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Washington, Tuesday, October 10, 1944

Regulations

TITLE 4—ACCOUNTS AND BUDGET

Chapter I—General Accounting Office

[A. O. 35, Supp. 1]

PART 12—DESIGNATIONS OF EMPLOYEES TO ACT AS OR FOR THE COMPTROLLER GENERAL OF THE UNITED STATES

CERTIFICATES TO COPIES OF RECORDS, ETC.

OCTOBER 7, 1944.

By virtue of and pursuant to the authority vested in me, as Comptroller General of the United States, by the provisions of section 311 (e) of the Budget and Accounting Act, 1921, 42 Stat. 25, 31 U.S.C. 52 (e), the following order is hereby issued:

§ 12.2 *Designations of employees to act for the Comptroller General—(a) Certificates to copies of records, documents, etc.* * * *

(2) I hereby designate E. C. Bohannon as Acting Chief Clerk of the General Accounting Office, to certify for the Comptroller General of the United States, copies of any books, records, papers, or documents, and transcripts from the books and proceedings of the General Accounting Office as provided for by section 306 of the Budget and Accounting Act, 1921, 42 Stat. 24, 31 U.S.C. 46. (Sec. 311 (e) of the Budget and Accounting Act, 1921, 42 Stat. 25, 31 U.S.C. 52 (e)) [See 4 CFR 3.3]

[SEAL] LINDSAY C. WARREN,
Comptroller General of the United States.

[F. R. Doc. 44-15585; Filed, Oct. 9, 1944; 9:30 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration (Agricultural Adjustment)

[Amdt. 3]

PART 716—PAYMENTS OF AMOUNTS DUE PERSONS WHO HAVE DIED, DISAPPEARED, OR HAVE BEEN DECLARED INCOMPETENT

AMENDMENT TO DEFINITIONS

By virtue of authority vested in the Secretary of Agriculture by section 385 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1385) as amended by section 7 of the act entitled "An Act to Amend the Soil Conservation and Domestic Allotment Act, as Amended, the Agricultural Adjustment Act of 1938, as Amended, and for other Purposes," approved July 2, 1940 (Public Law No. 716, 76th Congress; 54 Stat. 728), and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order 9334, public notice is hereby given of the following amendment hereby made, prescribed, and published to the regulations pertaining to payments of amounts due persons under the Soil Conservation and Domestic Allotment Act, as amended, and statutes authorizing parity payments, who have died, disappeared, or have been declared incompetent, issued August 16, 1940, which regulations as so amended shall be in force and effect until amended or superseded by regulations hereinafter made under said provisions of law.

Section 716.1 is amended to read as follows:

§ 716.1 *Definitions.* "Person" when relating to one who dies, disappears, or becomes incompetent, prior to receiving payment, means a person who has earned a payment pursuant to any statute authorizing parity payments, or who has earned a payment pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

"Brother" or "Sister," when relating to one who pursuant to these regulations is eligible to apply for the payment which is due a person who dies, disappears, or becomes incompetent prior to the receipt of such payment shall include brothers and sisters of the half-blood, who shall be considered the same as brothers and sisters of the whole-blood.

"Payment" means a payment pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, or to any statute authorizing parity payment.

Done at Washington, D. C., this 7th day of October 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-15542; Filed, Oct. 7, 1944; 11:10 a. m.]

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FEDERAL REGISTER

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per unit. The following are now available:

Book 1: Titles 1–3 (Presidential documents) with tables and index.
Book 2: Titles 4–9, with index.
Book 3: Titles 10–17, with index.
Book 4: Titles 18–25, with index.
Book 5, Part 1: Title 26, Parts 2–178.
Book 5, Part 2: Title 26, completed; Title 27; with index.
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Chapter XI—War Food Administration (Distribution Orders)

[WFO 115]

PART 1490—MISCELLANEOUS FOOD PRODUCTS

CANDY BARS, CANDY ROLLS, OR CANDY PACKAGES

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of candy bars, candy rolls, or candy packages for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1490.8 *Restrictions relative to candy bars, candy rolls, or candy packages*—(a) *Definitions.* (1) "Candy bar, candy roll, or candy package" means a food product made from cane sugar, beet sugar, or corn products, or any combination thereof, boiled to the desired density, enriched or varied by the addition of fruits, nuts, chocolate, milk products, gelatine, flavors, colors, or other ingredient, and molded or worked into various shapes or forms of a solid or semi-solid consistency, coated or uncoated, and designed to sell at retail for five cents each, except that "candy bar, candy roll, or candy package" shall not include a "chocolate bar" as that term is commonly known in the trade.

(2) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(3) "Governmental agency" means (i) the Armed Services of the United States (excluding for the purpose of this order United States Army post exchanges, sales commissaries, United States Navy and Coast Guard ships' service departments, and United States Marine Corps post exchanges in the continental United States); (ii) the War Food Administration (including, but not being restricted to, any corporate agency thereof); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other agency designated by the War Food Administrator. The term "governmental agency" also includes any person who, pursuant to a war food order, is entitled to purchase candy bars, candy rolls, or candy packages subject to this order.

(4) "Armed Services of the United States" means the Army, the Navy, the Marine Corps, and the Coast Guard of the United States.

(5) "Director" means the Director of Distribution, War Food Administration.

(b) *Restrictions.* (1) The set-aside quota for each manufacturer of candy bars, candy rolls, or candy packages shall be computed as follows: The respective manufacturer shall total his production of each type of candy bar, candy roll, or candy package during the period from January 1, 1944, to June 30, 1944, inclusive, and divide each such aggregate total production figure by the figure 6. The total thus obtained for each type of candy bar, candy roll, or candy package is hereinafter referred to as the "base production quantity" for that type of candy bar, candy roll, or candy package. The respective manufacturer shall, during the calendar month of October and each calendar month thereafter, set aside out of his production during the respective calendar month and thereafter hold for sale and delivery to a governmental agency a quantity of candy bars, candy rolls, or candy packages equal to 50 percent of the base production quantity, for such manufacturer, of each type, as aforesaid, of candy bars, candy rolls, and candy packages, respectively, unless otherwise specifically authorized by the Director. In the event the production by a particular manufacturer is, during October or any subsequent month, less than the amount required to be set aside pursuant to the provisions hereof, such manufacturer shall set aside 100 percent of such production.

(2) In the event a manufacturer produces subsequent to October 1, 1944, a type of candy bar, candy roll, or candy package which he did not produce during the period from January 1, 1944, to June 30, 1944, inclusive, he shall set aside and thereafter hold for sale and delivery to a governmental agency, during each calendar month, after September 30, 1944, during which he produces such type of candy bar, candy roll, or candy package, 50 percent of his production of such type during the respective calendar month.

(3) The provisions of this order shall be observed without regard to contracts heretofore or hereafter entered into or any rights accrued or any payments made thereunder. This order shall not, however, be construed as reducing the amount of candy bars, candy rolls, or candy packages which any person is required to offer or deliver pursuant to a contract heretofore or hereafter entered into with a governmental agency.

(4) The set-aside requirements of this order shall not be applicable, during a particular calendar month, to a manufacturer of candy bars, candy rolls, or candy packages whose total production of all items of candy bars, candy rolls, or candy packages during such month is less than 10,000 boxes of 24 items each, or the equivalent thereof.

(c) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises or stocks of candy bars, candy rolls, or candy packages of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(d) *Records and reports.* (1) Each manufacturer of candy bars, candy rolls, or candy packages subject to the set-

aside requirements of this order shall, within ten days after the effective date hereof, report in triplicate to the Director (i) the total production of each type of candy bar, candy roll, or candy package by such manufacturer during the period from January 1, 1944, to June 30, 1944, inclusive, and (ii) with respect to any type of candy bar, candy roll, or candy package not produced during the period from January 1, 1944, to June 30, 1944, inclusive, the total production of each such new type of candy bar, candy roll, or candy package by such manufacturer during each of the calendar months of July, August, and September 1944.

(2) Each manufacturer of candy bars, candy rolls, or candy packages subject to the set-aside requirements of this order shall, within 15 days after the end of each calendar month, beginning with October 1944, report in triplicate to the Director the total production of each type of candy bar, candy roll, or candy package by such manufacturer during the said calendar month.

(3) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(4) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in candy bars, candy rolls, or candy packages.

(e) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to the Order Administrator, War Food Order No. 115, Special Commodities Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (e) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(f) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using the material subject to priority or allocation control pursuant to this order. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(h) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Director of Distribution, War Food Administration, Washington 25, D. C., Ref. WFO 115.

(i) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., October 7, 1944.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 6th day of October 1944.

GROVER B. HILL,
Acting War Food Administrator.

[F. R. Doc. 44-15512; Filed, Oct. 6, 1944; 3:23 p. m.]

[WFO 79-115, Amdt. 6]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE MIAMI, FLA., METROPOLITAN MILK SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-115, as amended (9 F.R. 632, 4321, 4319, 10827), relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Miami, Florida, metropolitan milk sales area, is further amended by deleting therefrom the provisions in § 1401.149 (g) and inserting, in lieu thereof, the following:

(g) *Quota adjustments.* (1) Each handler may, within any quota period, (i) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota for milk byproducts: *Provided,* That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (ii) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk; and

(2) The market agent is authorized, upon the request of any handler, and with the prior approval of the Chief, Dairy and Poultry Branch, Office of Distribution, to vary the quotas of such handler for any group of months within a 12-month period: *Provided,* That in so doing, the sum of the percentages made applicable to each quota for such handler, within the 12-month period, shall not exceed the sum of the percentages specified in this order for such quota.

The provisions of this amendment shall become effective as of 12:01 a. m., e. w. t., October 15, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 79.115, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 79.115, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 6th day of October 1944.

LEE MARSHALL,
Director of Distribution.

[F. R. Doc. 44-15573; Filed, Oct. 7, 1944; 3:38 p. m.]

[WFO 79-143, Amdt. 5]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ST. PETERSBURG, FLA., METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4321, 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-143, as amended (9 F.R. 3763, 4321, 4319, 10842), relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the St. Petersburg, Florida, metropolitan milk sales area, is further amended by deleting therefrom the provisions in § 1401.177 (g) and inserting, in lieu thereof, the following:

(g) *Quota adjustments.* (1) Each handler may, within any quota period (i) increase his quota of milk solids in milk by one pound for each one pound of milk solids by which he decreases his quota

for milk byproducts: *Provided*, That his quota of milk solids in milk shall not be so increased by more than 3 percent, and (ii) increase his quota of milk solids in milk byproducts by one pound for each one pound of milk solids by which he decreases his quota for milk: and

(2) The market agent is authorized, upon the request of any handler, and with the prior approval of the Chief, Dairy and Poultry Branch, Office of Distribution, to vary the quotas of such handler for any group of months within a 12-month period: *Provided*, That in so doing, the sum of the percentages made applicable to each quota for such handler, within the 12-month period, shall not exceed the sum of the percentages specified in this order for such quota.

The provisions of this amendment shall become effective as of 12:01 a. m., e. w. t., October 15, 1944. With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 79–143, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 79–143, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4321, 4319)

Issued this 6th day of October 1944.

LEE MARSHALL,
Director of Distribution.

[F. R. Doc. 44–15574; Filed, Oct. 7, 1944; 3:38 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter D—Nationality Regulations

PART 316—RENUNCIATION OF UNITED STATES NATIONALITY

Sec.

AUTHORITY: §§ 316.1 to 316.9, inclusive, issued under sec. 401 of the Neutrality Act of 1940, 54 Stat. 1168 (8 U. S. C. 801) as amended by the Act of July 1, 1944 (P. L. 405, 78th Cong., 2d Sess.)

§ 316.1 *Loss of United States nationality under certain circumstances.* Sections 401 (i) and 403 (a) of the Nationality Act of 1940 (8 U.S.C. 801, 803), as amended by the Act of July 1, 1944 (P.L. 405, 78th Cong., 2d Sess.) provide:

SEC. 401. A person who is a national of the United States, whether by birth or naturalization, shall lose his nationality by:

* * * * *

(i) Making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense.

SEC. 403 (a). Except as provided in subsections g, h and i of section 401, no national can expatriate himself, or be expatriated, under this section while within the United States or any of its outlying possessions, but expatriation shall result from performance within the United States or any of its outlying possessions of any of the acts or the fulfillment of any conditions specified in this section if and when the national thereafter takes up a residence abroad.

§ 316.2 *Nationals permitted to apply for renunciation.* Any national of the United States may make in the United States a request in writing to the Attorney General, Department of Justice, Washington, D. C., for the form of "Application for Renunciation of United States Nationality".

§ 316.3 *Filing of application.* A completed and signed application for renunciation of United States nationality on the form prescribed by the Attorney General may be sent to the Attorney General, together with any certificate of citizenship, certificate of naturalization, certificate of derivative citizenship and any United States passport which may have been issued to the applicant. An applicant will be notified if it is determined upon the application that the requested renunciation appears to be contrary to the interests of national defense.

§ 316.4 *Hearing on application.* A hearing will be conducted by a hearing officer, designated by the Attorney General, upon each application for renunciation which does not appear to be contrary to the interests of national defense. The hearing officer will notify the applicant of the time and place of hearing.

§ 316.5 *Formal written renunciation of nationality.* After a hearing the applicant may file with the hearing officer, on a form prescribed by the Attorney General, a formal written renunciation of nationality and a request for the Attorney General's approval of such renunciation as not contrary to the interests of national defense.

§ 316.6 *Hearing officer's recommendation.* The hearing officer shall recommend approval or disapproval by the Attorney General of the applicant's request for approval of the formal written renunciation of nationality. The hearing officer, in making his recommendation, is authorized to consider not only the facts presented at the hearing, but also results of any investigation and any information which may be available to him in reports of Government agencies or bureaus, and from other sources, relating to the applicant's allegiance and relating to the effect of renunciation of nationality upon the interests of national defense.

§ 316.7 *Approval or disapproval by Attorney General.* The hearing officer's recommendation and the record of the hearing and any other facts upon which it is based, will be submitted to the Attorney General for his approval or disapproval of the applicant's formal written renunciation of nationality. A renunciation of nationality shall not become effective until an order is issued by the Attorney General approving the renunciation as not contrary to the interests of national defense.

§ 316.8 *Notice of Attorney General's decision.* The applicant will be notified of the Attorney General's approval or disapproval of the formal written renunciation of nationality. Notice of the approval of renunciation of nationality shall be given to the State Department, the Alien Property Custodian, Foreign Funds Control Section of the Treasury Department, and the Federal Bureau of Investigation and the Immigration and Naturalization Service of the Department of Justice. The notice to the Immigration and Naturalization Service shall be accompanied by any certificate of citizenship, certificate of naturalization or certificate of derivative citizenship issued to and surrendered by the applicant as required by § 316.3 hereof. Upon receipt of such notice and evidence of citizenship so surrendered, the Immigration and Naturalization Service shall notify the clerk of the court in which the applicant's naturalization occurred that the renunciation of nationality has been approved and the clerk of the court shall be requested to enter that fact upon the record of naturalization.

The notice to the Department of State shall be accompanied by any United States passport surrendered by the applicant as required by § 316.3 hereof.

§ 316.9 *Effective period of these regulations.* These regulations shall be effective from the date hereof and until cessation of the present state of war unless sooner terminated by the Attorney General.

FRANCIS BIDDLE,
Attorney General.

OCTOBER 6, 1944.

Approval recommended:

HERBERT WECHSLER,
Assistant Attorney General,
War Division.

[F. R. Doc. 44–15575; Filed, Oct. 7, 1944; 3:49 p. m.]

nationality

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

[Procurement Regs. 1, 2, 3, 4, 6, 7, 8, 9, 11, and 15]

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 801, 802, 803, 804, 806, 807, 808, 809, 811 and 815 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated 5 September 1942 (9 F.R. 8363 [1]) as amended by change 41, October 5, 1943, the particular regulations being Nos. 1, 2, 3, 4, 6, 7, 8, 9, 11 and 15.

In section numbers the figures to the right of the decimal point correspond with the respective paragraph numbers in the procurement regulations.

AUTHORITY: Section 5a, National Defense Act, as amended, 41 Stat. 764; 54 Stat. 1225; 10 U. S. C 1193–1195, and the First War Powers Act, 1941, 55 Stat. 838; 50 U.S.C., Supp. 601–622.

[SEAL] EDWARD F. WITSELL,
Brigadier General,
Acting The Adjutant General.

[Procurement Reg. 1]

PART 801—GENERAL INSTRUCTIONS

SUBPART C—APPLICABILITY OF REGULATIONS

1. In § 801.107, paragraph (i) is amended to read as follows:

§ 801.107 *Authority with respect to procurement.* * * *

(i) *Authority delegated by these procurement regulations.* These regulations to the extent, and only to the extent, that they actually confer authority upon the chiefs of the technical services and other officers or civilian officials of the War Department to exercise power to enter into contracts and into amendments or modifications of contracts heretofore or hereafter made and to make advance, progress and other payments thereon shall constitute a redelegation by the Commanding General, Army Service Forces of the authority delegated to him as set forth in paragraph (e), and by the Special Representative of the Under Secretary of War of the authority delegated to him, as set forth in paragraph (g). The authority granted as provided in the preceding sentence, of course, does not dispense with the necessity of obtaining any approval expressly specified in any paragraph of these procurement regulations. Authority conferred upon any of the chiefs of the technical services under any paragraph of these procurement regulations may be exercised by the chiefs of the technical services, respectively, by redelegation or otherwise, through such officer or officers or civilian official or officials of the War Department as may be designated by them or by any person authorized by them to make such designation, with such powers of delegation or successive redelegation as they may deem appropriate; subject, however, to any provisions in the particular paragraph of these regulations,

(1) Forbidding the assignment or delegation of the authority mentioned in such paragraph, or

(2) Imposing limitations upon the assignment, delegation or exercise of such authority.

The exercise prior to the date of these regulations of any such authority by any such officer or officers or civilian official or officials of the War Department is hereby ratified and confirmed in all respects.

2. In § 801.108 (d), subparagraph (3) is amended to read as follows:

§ 801.108 *Applicability of these procurement regulations.* * * *

(d) *Army Air Forces.* * * *

(3) Except as specifically otherwise provided, all communications to the Army Air Forces or to the Commanding General, Army Air Forces, relating to procurement, should be addressed to the attention of the Procurement Division, Assistant Chief of Air Staff, Materiel and Services.

[1] See also 9 F.R. 9460, 9585, 10944.

[Procurement Reg. 2]

PART 802—GENERAL PURCHASE POLICIES

SUBPART B—CONTRACT PLACEMENT

1. In § 802.223, paragraph (b) is amended, paragraph (f) (2) is amended by changing the reference to § 802.225 (f) (3) to § 802.225 (g) (2), and paragraph (g) (6) is amended, as follows:

§ 802.223 *Factors governing placement of contracts.* * * *

(b) *War Manpower Commission labor areas.* The War Manpower Commission has divided the country into twelve regions and from time to time classifies localities in each region according to their labor supply conditions and on this basis designates them as:

Group I: Areas in which acute labor shortages exist, or are anticipated which will endanger essential production.

Group II: Areas in which labor shortages exist which may endanger essential production, or areas which are approaching a balanced demand-supply situation.

Group III: Areas in which labor supply substantially balances demand for essential production or a moderate labor surplus currently exists or is anticipated.

Group IV: Areas in which a substantial labor surplus exists or is expected to develop.

The Industrial Personnel Division, Headquarters, Army Service Forces, will advise the technical services monthly, or more often if conditions warrant, of the designations of the War Manpower Commission.

* * * * *

(f) *Subcontracting and labor shortage areas.* * * *

(2) Where to give effect to changes in the classification of labor supply areas occurring after the execution of a particular prime contract would decrease the efficiency or increase the cost of placing recurring subcontracts thereunder, the chief of a technical service or his duly authorized representative is authorized, pursuant to the First War Powers Act, 1941, to enter into and approve supplemental agreements to provide for the payment of any increased price to the prime contractor to cover increased costs resulting from such changes in subcontracting, in the same manner as provided in § 802.225 (g) (2). It is hereby determined that supplemental agreements entered into for this purpose will facilitate the prosecution of the war.

* * * * *

(g) *Other factors.* * * *

(6) *More than one source of supply.* Placement of contracts so as to have for each item of supply and equipment at least two producers so located as not to be subject to the same hazard. This standard need not be adhered to if the chief of the technical service concerned shall determine (i) that such placement is impracticable or (ii) that, although such placement is practicable, (*a*) the plant protection arrangements of the source selected are in his judgment entirely satisfactory, (*b*) the source has adequate capacity for all foreseeable needs and (*c*) adequate information with regard to the costs of operation of the source and the prices of comparable items are and will be available to ensure that an adequate and efficient analysis may be made of the prices to be charged to the Government for such item. In this connection, consideration will be given to the relative needs of the source selected and of proposed secondary sources for facilities and equipment to perform the contract.

2. Section 802.224 (a) is amended to read as follows:

§ 802.224 *Contracts for newly developed articles.* * * *

(a) In general, a substantial proportion of initial orders for a new article should be placed with the manufacturer who developed it. Unless the chief of the technical service concerned determines such placement is not necessary (see § 802.233 (g) (6)) effort should be made to place enough of the volume with other qualified producers to develop at least one other experienced source; when possible this should be a going production order and not a limited quantity educational order.

3. Section 802.225a is added, as follows:

§ 802.225a *Policies for the protection of manufacturers of materials and components.* The Procurement Policy Board of the War Production Board has adopted the following policies for the protection of manufacturers of materials and components:

(a) Manufacturers and suppliers of certain materials and components (including certain B products as defined in the Controlled Materials Plan) used in war production have been obligated to carry stocks of such materials, finished

components and work in process and to enter into commitments for work and supplies for the manufacture of such materials and components, in excess of requirements under firm orders of such components actually placed with them by their war production customers.

(b) Without such inventory and commitments and without manufacture in anticipation of firm orders, the manufacturers in question would not be in a position to meet promptly the purchase orders which are placed with them by war producers, frequently on short notice or on a short-term basis. These manufacturers are thus faced with a continuing large volume of short-term war production orders requiring the maintenance of an inventory of materials, completed components and work in process, but without the protection of a back-log of legal commitments from customers necessary to cover the production cycle involved. In the event of mass termination, such manufacturers would be unable to collect costs under existing termination procedures, except to the extent that they hold orders for such materials and components.

(c) In view of the administrative difficulties involved in direct dealings with the manufacturers of materials and components, the policy is to afford protection to such manufacturers of materials and components in the following manner:

(1) Such manufacturers will look for protection to the war contractors and subcontractors with whom they deal by requiring from them adequate placement of advance orders.

(2) Prime war contractors and their subcontractors requiring use of such materials and components should place advance orders with their respective subcontractors and suppliers, from time to time (but within the total quantitative requirements of the particular contracts), sufficient to protect such subcontractors and suppliers throughout the cycle of production required to produce such materials and components.

(3) In carrying out this policy it is important to avoid the unreasonable accumulation of excess inventories either by the manufacturers of such materials and components or by the war contractors and subcontractors to whom such manufacturers sell these materials and components. Accordingly, war contractors and subcontractors should carefully schedule production and deliveries under such advance orders and require the manufacturers of such materials and components to adhere reasonably to the schedules so arranged in accordance with sound production planning. However, in the event of the termination of such advance orders, inventories of such materials, components or work in process reasonably acquired for the performance of such orders should be taken into account and paid for in the termination settlement of such orders.

(4) So far as possible, advance orders placed for such materials and components should contain the approved subcontract termination article for use in fixed price orders or subcontracts. The inclusion of this provision is intended to provide fair compensation to the manufacturer of the materials and components in the event of termination, but the absence of this provision will not operate to deprive such manufacturers of fair compensation in the event of termination of orders placed with them.

4. Section 802.227 is revoked, as follows:

§ 802.227 *Policies governing allocation of cutbacks.* [Revoked]

SUBPART C—CONTRACT PRICE POLICIES

In § 802.238, paragraph (c) is added, as follows:

§ 802.238 *Policies on certain special items of cost.* * * *

(c) *Extraordinary risks incident to wartime operations.* In connection with both fixed price and cost-plus-a-fixed-fee contracts, the Government, pursuant to the First War Powers Act and Executive Order 9001 (see Op. J.A.G., SPJGC 1944/10016, 5 September 1944; conclusions concurred in by the Attorney General 5 September 1944), may assume particular extraordinary risks and hazards incident to war-time operations to which the contractor may be exposed, by agreeing to indemnify the contractor against loss or liability arising out of such risks and hazards. In cost-plus-a-fixed-fee contracts various contracting forms presently in use provide for such indemnification and no special approval by the Director, Purchases Division, Headquarters, Army Service Forces, for the use of these forms is required. In fixed price contracts such indemnification will be given only in rare cases and upon a clear showing of necessity. In any such fixed price contract (1) all contingencies and allowances for such risks and hazards will be excluded from the contract price and (2) such an indemnity agreement will be included only with the prior written approval of the Director, Purchases Division, Headquarters, Army Service Forces. In requesting such approval, a full statement will be submitted as to (i) the extent of the potential liability under the indemnity agreement, (ii) any proposed contract maximum and minimum limits on the extent of such liability or other conditions affecting such liability, (iii) the appropriated funds presently available to satisfy such liability and (iv) the facts and reasons justifying such an indemnity agreement in the particular case rather than requiring the contractor to resort to insurance.

SUBPART D—NEGOTIATION OF CONTRACTS

Section 802.248 (b) (4) is amended to read as follows:

§ 802.248 *Purchasing by prime contractors.* * * *

(b) *Adjustment of prices and terms of subcontracts and purchase orders under cost-plus-a-fixed-fee contracts.* * * *

(4) The contracting officer may approve any such increase in price or other adjustment in the terms of a subcontract or purchase order without legal consideration only if, in the light of all the facts and circumstances in the particular case, he makes the determination required by subparagraph (3) above. Whenever approval of any such adjustment is contemplated, the contracting officer shall prepare and file a complete memorandum of the circumstances involved and the reasons for the proposed approval, and shall forward a copy of this memorandum to the chief of the technical service concerned for review and concurrence. No approval shall be given by the contracting officer under the contract until concurrence of the chief of the technical service concerned has been received. Upon any such adjustment in the price or terms of a subcontract or purchase order, the contractor shall be reimbursed on the basis of the adjusted price or terms.

SUBPART I—PURCHASE ACTION REPORTS

1. Section 802.293 (c) (1) is amended to read as follows:

§ 802.293 *Original reports of purchase actions exceeding $10,000.* * * *

(c) *Cancellations and supplemental reports.* (1) A Supplemental Purchase Action Report (W.D., A.G.O. Form No. 495) will be used to report cancellations and supplemental actions as stated below. This form is printed on blue paper and is identical with W.D., A.G.O. Form No. 496 (see form preceding paragraph (a)), except that the words "Net change" should be substituted for the words "Total cost" on lines 9 and 11 (see form preceding paragraph (a)). If W.D., A.G.O. Form No. 495 (blue) is not available, W.D., A.G.O. Form No. 496 (white) may be used, in which event the substitution above mentioned should be made and the words "Supplemental Report" typed in the top and bottom margins. Supplemental Reports (whether on Form 495 or 496 and whether or not photostated) will have a one inch diagonal cut made from the bottom left corner. For supplemental purchase actions reportable to a technical service, the original and one copy of such reports will be submitted, no later than 5 calendar days after the action, to the chief of the appropriate technical service. For supplemental purchase actions reportable to a service command, the original of such reports will be submitted, no later than 5 calendar days after the action, to the commanding general of the appropriate service command. For supplemental agreements, the date shown as the award date will be that on which the supplement or cancellation was made and not the award date of the original action. The supplemental report will contain the same serial number as the original Purchase Action Report followed by a letter of the alphabet in parentheses, the first such change using the letter (a); the second (b); etc. In all cases the nature of the change will be indicated—viz.: quantity increase or decrease; price increase or decrease, etc.

Where quantities have been changed show the number of units added or deleted; the unit price; the initial delivery date (if increased quantity) and the scheduled completion date; also indicate whether a decreased quantity represents a partial or complete termination for convenience of the Government, or a partial or complete termination by default of contractor. Where price changes have occurred indicate if this is due to a change in specifications or in costs. If prices have been affected by partial termination so indicate. Where a preliminary contractual agreement has been superseded by a definitive—or formal—contract, report this fact if a supplemental report is being issued to record a concurrent change in value.

2. In § 802.296, paragraph (c) is amended to read as follows:

§ 802.296 *Stations required to report.* * * *

(c) *Transmission of reports by functional staff divisions.* Functional staff divisions, Army Service Forces, and stations under their jurisdiction will submit Purchase Action Reports in the same manner as chiefs of technical services and stations under the jurisdiction of the chiefs of technical services: *Provided, however,* That one copy of each report forwarded will be retained by the office of the functional staff division involved, and the original and 4 copies will be forwarded from the office of such division to the Commanding General, Army Service Forces, attention Purchases Division, within 5 days from the date of action. The chiefs of the functional staff divisions will be responsible for complete, accurate, proper and timely submission of such reports. Nothing contained in this subpart, however, shall require the preparation or submission of any individual or summary reports from or with respect to purchase actions of Army Exchange Service.

3. Section 802.298 is amended to read as follows:

§ 802.298 *Responsibility of the chiefs of the technical services and the commanding generals of the service commands.* The chiefs of the technical services and the commanding generals of the service commands are charged with the following responsibilities:

(a) Responsibility for assuring that all reports required by this subpart are prepared by the stations under their jurisdiction and forwarded to them in accordance with §§ 802.293 and 802.294. This responsibility includes:

(1) Responsibility for controlling by means of the serial numbering system (see § 802.293 (a) (1)) the submission of Purchase Action Reports.

(2) Responsibility for requiring the submission of the proper number of copies of Purchase Action Reports.

(3) Responsibility for checking by contract number to assure that duplicate reports are not received, including the checking of terminations and cancellations.

(4) Responsibility for reconciling individual Purchase Action Reports submitted by each station with the Monthly Summary Reports submitted by such station. (Does not apply to commanding generals of service commands.)

(b) Responsibility for the preparation and submission of the Quarterly Report on Procurement.

(c) Responsibility for submission to Purchase Division, Headquarters, Army Service Forces within ten days after the close of each month a Monthly Summary Report of Purchase Actions which will include all purchase actions reported to them during such month. The form established in § 802.294 will be used. The purpose of this report is to enable Headquarters, Army Service Forces to control purchase action reporting and to post to a master record the totals of all purchase actions as of the months in which the actions took place regardless of the month they are reported. It is essential therefore, that the chief of each technical service (this section does not apply to commanding generals of service commands) classify the Purchase Action Reports submitted to him by date of award, or in the case of supplemental reports, by the date of action, and render to Purchases Division separate Monthly Summary Reports of Purchase Actions for each month in which an action took place.

(d) Responsibility for obtaining detailed information on specific transactions when the same is deemed necessary and for promptly submitting this to Purchases Division.

(e) Responsibility for the reproduction (where field installations do not have adequate reproduction facilities) and the distribution of the individual Purchase Action Reports (W. D. A. G. O. Forms 495 and 496, bearing Control Approval Symbol ICY–33) as follows:

	Number of copies to be submitted by—	
Form 496: (Original).	*Technical Services*	*Service Command*
To be submitted to:		
Department of Labor	4 copies	4 copies
War Production Board	1 copy	1 copy
Form 495: (Supplemental)		
War Production Board	1 copy	1 copy

The above reports should be addressed as follows:

Department of Labor. Mr. William R. McComb, Deputy Administrator, Room 1114, Department of Labor Building, Washington 25, D. C., Attention: Mr. A. L. Triolo.

War Production Board. War Production Board, Bureau of Planning and Statistics, Room H–327, Temporary E, 6th and Adams Drive, SW., Washington 25, D. C.

[Procurement Reg. 3]

PART 803—CONTRACTS

SUBPART A—GENERAL

In § 803.303a, paragraph (2) of that portion of the text preceding paragraph (a) is amended to read as follows:

§ 803.303a *Letters of intent and letter orders.* * * *

(2) *Report on letters of intent, etc.* (i) On or before the 10th of each month the chief of each technical service will file with the Director, Purchases Division, Headquarters, Army Service Forces, a report entitled "Age Analysis of Outstanding Letters of Intent, Etc." (Control Approval Symbol PDS–17) and described in subdivision (ii) below. The first report shall be due 10 September 1944 for the period ending 31 August 1944. This report does not conflict with the reports of negotiated purchase actions in excess of $10,000, (Control Approval Symbol ICY–33) required by § 802.293.

(ii) The reports "Age Analysis of Outstanding Letters of Intent, Etc." (Control Approval Symbol PDS–17) will be submitted original only, on an unclassified basis. For the purposes of these reports, the phrase "letters of intent, etc." shall be deemed to include letters of intent, letter orders, letter purchase orders, letter contracts, etc. Negative reports and letters of transmittal will not be submitted. Chiefs of technical services where necessary will obtain appropriate data from their procurement district offices, using the same reporting method as required for their report to the Purchases Division, Headquarters, Army Service Forces. These reports shall be in two parts and shall set forth the following information:

Part I. A tabulation, classified by month of origin, of the number of letters of intent, etc. outstanding at the close of the preceding month.

Part II. A separate listing of each letter of intent, etc. which at the close of the reporting month had been outstanding more than 90 days. This listing shall set forth:

(i) Contract number.

(ii) Name of contractor.

(iii) Date of original issuance of letter of intent, letter order, letter purchase order, etc.

(iv) The month in which it is anticipated the outstanding letter of intent, etc. will be converted to a definitive agreement.

(v) A brief statement of the reasons why each letter of intent, etc., which had been outstanding more than 90 days as of the end of the reporting period, had not been converted into a definitive contract.

(c) Letters of commitment (see W.D. Contract Form No. 28 and §§ 802.222 (g) and 813.1328) will not be included in either Part I or Part II of these reports.

SUBPART D—DISTRIBUTION OF CONTRACTS AND ORDERS THEREUNDER

1. Sections 803.316 (a) (1) and 803.317 (a) are amended by adding a reference to § 804.409 (b) (1) as follows:

§ 803.316 *Numbered contracts.* * * *

(a) * * *

(1) The original signed number of each lump sum (fixed price) contract will be forwarded to the Army Audit Branch of the General Accounting Offices (see § 803.317b). The original signed number of each cost-plus-a-fixed-fee contract will be forwarded to the War Contract Service Section, Audit Division, General Accounting Office, Washington 25, D. C. If a surety bond or bonds were required in support of a contract,

whether lump sum or cost-plus-a-fixed-fee, see § 804.409 (b) (1).

* * * * *

§ 803.317 *Unnumbered contracts.* (a) The original signed number will be furnished the disbursing officer and will be attached to the voucher on which payment is made and will accompany such voucher to the Army Audit Branch of the General Accounting Office (see § 803.317b). If a surety bond or bonds were required in support of a contract, whether lump sum or cost-plus-a-fixed-fee, see § 804.409 (b) (1).

2. Section 803.317a is recodified and subparagraph (i), recodified as (1), is amended by adding a reference to § 804.409 (b) (1), so that the section, as amended, reads as follows:

§ 803.317a *Supplemental agreements and change orders.* (a) Signed numbers and copies of supplemental agreements and change orders will be distributed in the same manner as is prescribed for the contracts to which they pertain and the contracting officer will note on his retained copy of the supplemental agreement or change order the date on which the contractor's number was delivered or mailed to him. When, pursuant to § 803.313 (a) (2), a single supplemental agreement is executed to modify more than one contract, the following procedure will be followed:

(1) The original signed number will be forwarded to the Army Audit Branch of the General Accounting Office (see § 803.317b). If a surety bond or bonds were required in support of such modification of the contract, see § 804.409 (b) (1).

(2) The duplicate signed number will be filed with the contracting officer who supervised the execution thereof or with the chief of the technical service concerned and correct copies of the supplemental agreement will be furnished to the contracting officers under all of the contracts affected by the supplemental agreement.

(3) The triplicate signed number will be forwarded to the contractor.

(4) An authenticated copy will be forwarded to the disbursing officer under each contract affected by the supplemental agreement.

(b) If the alternative procedure of numbering change orders provided for in § 803.313 (b) (2) is adopted, only primary change orders will be distributed in accordance with paragraph (a) above. Secondary change orders will be given only such distribution as the chief of the technical service concerned may prescribe.

SUBPART H—MANDATORY AND OPTIONAL CONTRACT PROVISIONS

Sections 803.330 and 803.331 are amended to read as follows:

§ 803.330 *Partial payments article when payments are not to exceed 75 per cent of cost of property.* In those cases where it is contemplated that partial payments in an amount not to exceed 75 per cent of the cost to the contractor of the property will be made, the contract will contain an article substantially as follows:

Partial payments. Partial payments, which are hereby defined as payments prior to delivery, on work in progress for the Government under this contract, may be made upon the following terms and conditions.

(a) The Contracting Officer may, from time to time, authorize partial payments to the Contractor upon property acquired or produced by it for the performance of this contract: *Provided*, That such partial payments shall not exceed 75 per cent of the cost to the Contractor of the property upon which payment is made, which cost shall be determined from evidence submitted by the Contractor and which must be such as is satisfactory to the Contracting Officer: *Provided further*, That in no event shall the total of unliquidated partial payments (see (c) below) and of unliquidated advance payments, if any, made under this contract, exceed 80 per cent of the total contract price of supplies still to be delivered.

(b) Upon the making of any partial payment under this contract, title to all parts, materials, inventories, work in process and non-durable tools theretofore acquired or produced by the Contractor for the performance of this contract, and properly chargeable thereto under sound accounting practice, shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor for the performance of this contract and properly chargeable thereto as aforesaid shall vest in the Government forthwith upon said acquisition or production: *Provided*, That nothing herein shall deprive the Contractor of any further partial or final payments due or to become due hereunder; or relieve the Contractor or the Government of any of their respective rights or obligations under this contract.

(c) In making payment for the supplies furnished hereunder, there shall be deducted from the contract price therefor a proportionate amount of the partial payments theretofore made to the Contractor, under the authority herein contained.

(d) It is recognized that property (including, without limitation completed supplies, spare parts, drawings, information, partially completed supplies, work in process, materials, fabricated parts and other things called for herein) title to which is or may hereafter become vested in the Government pursuant to this Article will from time to time be used by or be put in the care, custody or possession of the Contractor in connection with the performance of this contract. The Contractor, either before or after receipt of notice of termination at the option of the Government, may acquire or dispose of property to which title is vested in the Government under this Article, upon terms approved by the Contracting Officer, *Provided*, That, after receipt of notice of termination, any such property that is a part of termination inventory may be acquired or disposed of only in accordance with the provisions of the termination article of this contract and applicable laws and regulations. The agreed price (in case of acquisition by the contractor) or the proceeds received by the contractor (in case of any other disposition), shall, to the extent that such price and proceeds do not exceed the unliquidated balance of partial payments hereunder, be paid or credited to the Government as the contracting officer shall direct; and such unliquidated balance shall be reduced accordingly. Current production scrap may be sold by the Contractor without approval of the Contracting Officer but the proceeds will be applied as provided in this subparagraph (d); *Provided*, That any such scrap which is a part of termination inventory may be sold only in accordance with the provisions of the termination article of this contract and applicable laws and regulations. Upon liquidation of all partial payments hereunder or upon completion of deliveries called for by this contract, title to all property (or the proceeds thereof) which has not been delivered to and accepted by the Government under this contract or which has not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this Article shall vest in the Contractor.

(e) The article of this contract captioned "Liability for Government Property" and any other provision of this contract defining liability for Government-owned property shall be inapplicable to property to which the Government shall have acquired title solely by virtue of the provisions of this Article. The provisions of this Article shall not relieve the Contractor from risk of loss or destruction of or damage to property to which title vests in the Government under the provisions hereof.

(f) If this contract (as heretofore or hereafter supplemented or amended) contains provision for Advance Payments, and in addition if at the time any partial payment is to be made to the Contractor under the provisions of this partial payments article any unliquidated balance of advance payments is outstanding, then notwithstanding any other provision of the Advance Payments Article of this contract the net amount, after appropriate deduction for liquidation of the advance payment, of such partial payment shall be deposited in the special bank account or accounts maintained as required by the provisions of the Advance Payments Article, and shall thereafter be withdrawn only pursuant to such provisions.

§ 803.331 *Partial payments article when payments are not to exceed 90 per cent of direct labor and material costs.* In those cases where it is contemplated that partial payments in an amount not to exceed 90 per cent of the direct labor and material costs to the contractor will be made, the contract will contain an article substantially as follows:

Partial payments. Partial payments, which are hereby defined as payments prior to delivery, on work in progress for the Government under this contract, may be made upon the following terms and conditions.

(a) The Contracting Officer may, from time to time, authorize partial payments to the Contractor upon property acquired or produced by it for the performance of this contract: *Provided*, That such partial payments shall not exceed 90 per cent of the direct labor and direct material costs to the Contractor of the property upon which payment is made, which costs shall be determined from evidence submitted by the Contractor and which must be such as is satisfactory to the Contracting Officer; *Provided, further*, That in no event shall the total of unliquidated partial payments (see (c) below) and of unliquidated advance payments, if any, made under this contract, exceed 80 percent of the contract price of supplies still to be delivered.

(b) (c) (d) (e) (f) [These subparagraphs are the same as similarly lettered subparagraphs of the article contained in § 803.330 of these procurement regulations].

SUBPART L—MISCELLANEOUS

In § 803.390, paragraph (b) is amended by designating the existing text as subparagraph (1) and by adding subparagraph (2), as follows:

§ 803.390 *Assignments.* * * *

(b) *Assignment of Claims Act of 1940.* (1) * * *

(2) Where direct payment is made to the assignee, the contractor will furnish on each voucher, invoice, or other supporting paper a statement to the effect that he recognizes the assignment, its validity, and the right of the assignee to receive payment. (See par. 2*i*, AR 35-1040.)

[Procurement Reg. 4]

PART 804—BONDS AND INSURANCE

SUBPART B—BONDS

In § 804.409 (b), subparagraph (1) is amended to read as follows:

§ 804.409 *Filing and examination of bonds and consents of surety.* * * *

(b) (1) The original of all surety bonds required by the various elements of the War Department (except as hereinafter provided in subparagraph (3)) will be forwarded to The Judge Advocate General. If such bond was required in support of a contract or modification thereof, the original signed number of the bond should be attached to the original signed number of the contract or modification thereof, as the case may be, and forwarded to The Judge Advocate General. In the event it is not practicable to forward the original number of the contract or modification, a duplicate signed number or an authenticated copy thereof should be attached to the original bond and forwarded to The Judge Advocate General. The Judge Advocate General will examine bonds as to legal sufficiency and as to form and execution. In the case of corporate sureties he will examine them to ascertain whether the corporate officials who purported to execute the bonds on behalf of the corporate sureties had authority to do so; and in the case of individual sureties he will examine them to ascertain whether the affidavit of justification and the certificate of sufficiency of the surety or sureties are in accordance with regulations. The Judge Advocate General will then forward the bond, together with any contract or modification thereof which it supports, to the proper office for filing. In this connection, it is important that the forwarding office indicate clearly the Army Audit Branch of the General Accounting Office to which the contract or modification and the bond should be sent (see § 803.317b (a) and (b)). The duplicate bond will be retained and filed in the office to which it pertains or which authorized its acceptance.

SUBPART D—INSURANCE

Special Instructions for Preparation of Policies

1. In § 804.485, paragraph (d) is amended and paragraph (e) (4) is added as follows:

§ 804.485 *Workmen's compensation policies.* * * *

(d) In the following states occupational diseases coverage in limits of $50/100,000 will be obtained by having this coverage endorsed on the compensation policy:

Alabama.	New Jersey.
Arizona.	New Mexico.
Colorado.	Oklahoma.
Delaware.	Oregon.
Florida.	Pennsylvania.
Georgia.	Rhode Island.
Iowa.	South Carolina.
Kansas.	South Dakota.
Kentucky.	Tennessee.
Louisiana.	Utah.
Maine.	Vermont.
Montana.	West Virginia.
New Hampshire	Wyoming.

(e) * * *

(4) Virginia: by having the employer elect to provide coverage under section 2-h of the Compensation Law amendment effective 1 July 1944 which will be accomplished by having the employer reject section 2-g and elect by written declaration, filed in the offices of the Industrial Commission, State Office Building, Richmond, Virginia, on a form provided by it, to be bound by the provisions of section 2-h relating to full coverage of all occupational diseases. Coverage under paragraph 1 (b) of the Workmen's Compensation policy for occupational diseases will not be required.

2. Section 804.487 is amended to read as follows:

§ 804.487 *Insurance against loss or damage to property*—(a) *Release form.* A non-interest release form will be used in all applicable cases where the contracting officer is required to execute an instrument in connection with insurance covering against loss or damage to property and purchased pursuant to a provision contained in a War Department contract. For form see § 804.497 (a).

(b) *Endorsement form.* (1) where a contract requires that the contractor shall provide and maintain insurance covering against loss or damage in a sum at least equal to the value of the property belonging to the United States which is in his possession, the form of endorsement set forth in § 804.497 (b) will be used. This endorsement is designed for the purpose of clearly defining the interest of the government and of providing the manner in which losses shall be settled. Its use will not eliminate the necessity of reviewing each insurance policy submitted in order to determine that the amount of insurance conforms to requirements and that the exclusions which appear in the policy do not deprive the United States of any of its rights.

SUBPART E—BONDS AND INSURANCE FORMS

Section 804.497 (b) is amended to read as follows:

§ 804.497 *Insurance forms.* * * *

(b) *Endorsement form.* (See § 804.487 (b).)

To be attached to Policy No_____ Dated_____

1. This policy covers all property owned wholly or in part by the United States or in which the United States has any interest, legal or equitable, by way of lien, mortgage, pledge, or otherwise, while said property is on the premises of the assured as described in the policy to which this endorsement is attached. Loss if any under this policy shall be payable to the contractor and to the Treasurer of the United States as their respective interests may appear: *Provided, however,* That the United States is entitled to indemnity, in preference and priority, on all property insured hereunder and in which it has an interest.

2. This policy, with respect to the interests of the United States, shall not be altered, cancelled, or further endorsed, transferred or assigned, unless written notice to that effect shall be given, at least twenty days in advance, to the United States of America, through_____

_____

(Insert name or names and addresses of Contracting Officer of the technical service involved).

3. Since this policy is hereby endorsed primarily to afford protection to the United States, and since the United States is not in a position to determine whether the assured under this policy is underinsured, any co-insurance clause of this policy as far as the interest of the United States is concerned is hereby declared to be inoperative and of no effect.

4. Inasmuch as the United States is not in control of the insured property, this policy, with respect to the interest of the United States, shall not be impaired or affected by the failure of the assured to comply with any condition or warranty contained therein.

_____

(Name of insurance company)

By_____

[Procurement Reg. 6]

PART 806—INTERBRANCH AND INTERDEPARTMENTAL PURCHASES

SUBPART B—INTERBRANCH PROCUREMENT

Section 806.605d is amended to read as follows:

§ 806.605d *Indefinite quantity contracts executed by the Office of the Quartermaster General.* The tabulation set forth below contains certain information with respect to all indefinite quantity contracts executed by the Office of the Quartermaster General, which are applicable to purchases made by activities outside the jurisdiction of the Quartermaster General. More complete information as to these contracts is contained in the War Department Supply Bulletins referred to in the tabulation. These Supply Bulletins are available at Adjutant General Depots.

Supply bulletin No.	Date	Commodity	Contract period	Contract symbol No.	Contractor	Area serviced	Applicability
10-81	1 July 44	Oil Engine, (U. S. Army Spec. 2-104 B, Amendment No. 2).	1 July 1944 to 31 Dec. 1944.	W 44-109-qm-13	The Texas Co	Continental United States, exclusive of California, Nevada, Oregon, Utah and Washington.	All War Department activities within continental United States for domestic consumption, exclusive of maneuvers ordered by Army Ground Force Headquarters.
				W 44-109-qm-14	Shell Oil Co. Inc	California, Oregon, and Washington.	
				W 44-109-qm-15	Standard Oil Co. of California	Nevada and Utah.	
10-87	5 July 44	Books	Fiscal year 1945	See supply Bulletin No. 10-87		Continental United States and its possessions.	General utilization by the War Department except the Medical Corps.
10-133	30 Sept. 44	Malt	1 Oct. 1944 to 31 Dec. 1944.	W 11-009-qm-21683	Hazelton Syrup Company, Hazelton, Pa.	1st Service Command	All Branches of the War Department.
				W 11-009-qm-21671	Malt-Diastase Company, Wyckoff Ave. & Decatur St., Brooklyn, N. Y.	2nd and 3rd Service Commands; Military District of Washington.	
				W 11-009-qm-21672	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	4th Service Command	
				W 11-009-qm-21673	Pabst Sales Co., 221 No. LaSalle St., Chicago, Ill.	5th Service Command	
				W 11-009-qm-21674	Birk Bros. Brewing Co., Webster and Wayne Sts., Chicago, Ill.	6th Service Command	
				W 11-009-qm-21675	Standard Brands, Inc., War Prod. & Supply Dept., 595 Madison Ave., New York, N. Y.	7th, 8th and 9th Service Commands.	
10-94	18 July 1944	Compressed yeast.	Fiscal year 1945	W 11-009-qm-19505	Federal Yeast Corp., Colgate Creek-Highlandtown, P. O., Baltimore, Md.	3rd Service Command	All Branches of the War Department.
				W 11-009-qm-19508	Capitol Yeast Co., 105 Cambridge St., Boston, Mass.	1st Service Command	
				W 11-009-qm-19730	Standard Brands, Incorporated, 595 Madison Ave., N. Y., N. Y.	4th, 8th and 9th Service Commands.	
				W 11-009-qm-19731	Anheuser-Busch, Inc., 721 Pestalozzi St., St. Louis, Mo.	2nd & 7th Service Commands & Military District of Washington.	
				W 11-009-qm-19732	Red Star Yeast & Products Co., 221 E. Buffalo St., Milwaukee, Wis.	5th & 6th Service Commands.	
10-96	19 July 1944	Paper rolls, for cash registers.	Fiscal year 1945	W 28-021-qm-15523	The National Cash Register Co., Main & K Sts., Dayton, Ohio.	See Supply Bulletin No. 10-96.	All posts, camps and stations.

SUBPART C—INTERDEPARTMENTAL PURCHASES

1. Section 806.606 (g) is amended to read as follows:

§ 806.606 *Purchases under contracts of Procurement Division, Treasury Department.* * * *

(g) *Mandatory schedules.* The following is a list of the classes of the General Schedule of Supplies which are mandatory on the field services of the War Department:

Description of item	Schedule of supplies	Period
Explosives and blasting accessories	4, Supp. No. 1	July 1 to Dec. 31, 1944.
Gasoline: Tank wagon and drum deliveries, tank-car, transport-truck and marine deliveries.	7 and Supps., Regions 1 to 6, incl.	July 1, 1944, to June 30, 1945.
Fuel oil: Tank wagon and drum deliveries, tank-car, transport-truck and marine deliveries.	7 and Supps., Regions 1 to 6, incl.	July 1, 1944, to June 30, 1945.
Gasoline, diesel oil, and lubricating oil, service-station deliveries.	7 and 14	July 1, 1944 to June 30, 1945.
Tire chains	8, Supp. No. 3	July 1, 1944 to June 30, 1945.
Automotive storage batteries	17, Supp. No. 2 (Revised)	Mar. 16 to Sept. 15, 1944 (extended to Mar. 15, 1945).
Telephones and parts	17, Supp. No. 6	Sept. 1, 1941 to Aug. 31, 1942 (portion extended to Feb. 28, 1945).
Electric lamps	17, Supp. No. 3	Sept. 1, 1944, to Aug. 31, 1945.
Wood furniture	26, Part I	Jan. 1 to Dec. 31, 1942 (portion extended to Dec. 31, 1944).
Wood furniture	26, Part I	Jan. 1 to Dec. 31, 1944.
Steel furniture	26, Part II	Jan. 1 to Dec. 31, 1942 (portion extended to Dec. 31, 1944).
Steel insulated filing cabinets	26, Part II, Supp. No. 1	July 1, 1943 to Dec. 31, 1943 (extended to Dec. 31, 1944).
Floor and window coverings	27	Apr. 1 to Sept. 30, 1944 (extended to Sept. 30, 1945).

Description of item	Schedule of supplies	Period
Books	35	Dec. 1, 1943 to Nov. 30, 1944.
Machine tools (only the following items: 40-M-9-100, and 40-P-22 to 40-P-37, incl.).	40	Sept. 1, 1944 to Aug. 31, 1945.
Woodworking saws	40, Supp. No. 1	July 1, 1944 to June 30, 1945.
Paper drinking cups	53, Supp. No. 2	July 1, 1944 to June 30, 1945.
Office equipment	54	July 1, 1944 to June 30, 1945.
Offset duplicating supplies and certain office equipment.	54	July 1, 1944 to June 30, 1945.
Portable drinking fountains	63, Supp. No. 1	Mar. 1, 1944 to Feb. 28, 1945.
Airplane tires and tubes	83	Apr. 24 to June 30, 1942 (extended to Mar. 31, 1945).
Recording and transcription service	103, Supp. No. 2 (Revised).	Sept. 1, 1944 to Aug. 31, 1945.
Household and quarters furniture	(Part 1)	Aug. 1, 1944 to Jan. 31, 1945.
Household and quarters furniture	(Parts 2 and 3)	Aug. 1, 1944 to Jan. 31, 1945.

NOTE: (1) Some of the schedules listed above are mandatory only upon some of the activities of the War Department. In case of doubt as to whether it is mandatory that a particular item be procured under a schedule, the schedule itself should be consulted and provisions of the schedule should be regarded as controlling.

(2) Attention is called to the provisions of § 811.1187, as to restrictions concerning local purchases and the purchases of restricted or prohibited items. Such restrictions apply to items, even though they may be listed on the General Schedule of Supplies.

2. In § 806.608 (c), the item "Wood furniture and specialties" is amended as follows:

§ 806.608 *Purchases from Federal Prison Industries, Inc., Department of Justice.* * * *

(c) *General clearance.* * * *

Wood furniture and specialties: Desk trays, costumers, pallets.[2]

3. In § 806.609 (b), subparagraph (1) is amended by the addition of an item at the end of the list, as follows:

§ 806.609 *Purchases under contracts of Post Office Department.* * * *

(b) *Envelopes authorized for supply to the military service.* (1) * * *

4½ by 9¼ inches, Kraft, open sides, window (for War Bonds).[1]

4. In § 806.610, paragraph (e) is amended to read as follows:

§ 806.610 *Purchases from Government Printing Office.* * * *

(e) The cost of work procured from commercial sources should be charged against the specific funds available therefor to the respective technical service expenditure of which has been authorized by The Adjutant General. Obligations for field contract printing procured from commercial concerns may be incurred, to the extent that authority has been delegated and funds made available, in accordance with the provisions of the Fiscal Code. All allotments must carry the appropriate purpose number and decimal suffix prescribed in finance circulars. Paragraph 9, AR 35–1040 prescribes the form of certificate which is required to be placed on contracts or purchase orders involving payments for printing, binding, and blankbook work procured commercially in the field. Information relative to reports required by the Joint Committee on Printing together with forms required, will be furnished by The Adjutant General to the chiefs of technical services.

[1] There has been no item number assigned to this envelope.

[2] This item is in the form appearing after amendment by letter, dated 11 July 1944, from Federal Prison Industries, Inc.

[Procurement Reg. 7]

PART 807—DISPOSITION OF PROPERTY

SUBPART B—DISPOSITION OF TERMINATION INVENTORIES

1. Section 807.201 is amended by deleting reference to War Production Board, as follows:

§ 807.201 *Circularization not required.* The policy of the War Department is stated in § 807.103. The objectives of that policy can best be obtained by vigorous action of the contracting officer and his local aids in redistribution of termination inventories, prior to reporting such property to a Disposal Agency as surplus, with the fullest cooperation of the district organization and any industry organization involved (such as the Ordnance Industry Integrating Committees). The greatest freedom of action is therefore accorded these local agencies of the War Department and circularization of termination inventories is not required.

2. Section 807.204 is revoked, as follows:

§ 807.204 *Redistribution assistance by War Production Board.* [Revoked]

3. In § 807.206, paragraph (e) is added as follows:

§ 807.206 *Specific price regulations.* * * *

(e) *Waivers and modification of specific price regulations.* The Surplus War Property Administration has authorized the Regional Offices of Reconstruction Finance Corporation in exceptional cases to waive or modify the specific price regulations promulgated by the Surplus War Property Administration. This authorization is limited to individual transactions. Such waiver or modification should be requested where the proposed transaction is manifestly in the best interests of the Government and where the proposed price is fair and reasonable in the light of all the circumstances although not in conformance with the specific price regulations. Upon receipt of written approval of the Regional Office of Reconstruction Finance Corporation in such cases, the proposed sale may be made or approved without regard to the provisions of paragraph (c).

SUBPART C—DISPOSITION OF PROPERTY FOR PURPOSES DIRECTLY RELATED TO PROSECUTION OF WAR

1. Section 807.301 is amended to read as follows:

§ 807.301 *Sales to contractors*—(a) *Sale to war contractors.* The chiefs of the technical services are authorized, when it is determined by them that such action will facilitate the prosecution of the war, to make contracts by negotiation for the sale of, and to sell to manufacturers and suppliers having war contracts, including employees and suppliers of war contractors, and to employees of the Government engaged in war production, any machine tool equipment, processing equipment, uniforms, safety clothing and equipment, plant protective clothing and other special articles necessary to persons employed in or otherwise connected with war industries or establishments, manufacturing aids, raw materials, manufactured materials or other materials or facilities presently owned or hereafter acquired by the Government. Such sales shall, however, be made only for the purpose of facilitating the performance of such war contracts or war production. All such contracts will recite that they are entered into pursuant to the First War Powers Act and Executive Order No. 9001.

(b) *Sale of standard general-purpose machine tools to contractors in possession.* (1) The chiefs of the technical services are authorized to make contracts by negotiation for the sale of and to sell to a contractor any standard general-purpose machine tools and appurtenances (as defined in paragraph (c) (2) below) owned by the Government and in the possession of such contractors under existing lease or similar arrangement (such as the article appearing in § 803.-332) with the War Department, or a sublease under such a lease or arrangement with the War Department. (Where the machine tools are held by a sublessee, it may be necessary to secure an appropriate release or waiver of the rights of the lessee prior to making the sale to the sublessee.)

(2) Each sale made under this paragraph will be evidenced by a written contract of sale reciting that it is entered into under the First War Powers Act, Executive Order No. 9001, and Public Law 703, 76th Congress, as extended. It is found and determined that such sales will facilitate the prosecution of the war, speed the process of reconversion, and reduce the Government's expenditures on production facilities.

(3) In order to assure the continued availability of the machine tools for war production as required, each contract of sale made under this paragraph will contain a provision substantially as follows:

ART. ___. The Buyer agrees that, in the event any machine tool sold hereunder ceases to be used for war production purposes prior to the cessation of hostilities while in possession of the Buyer, the Buyer will, upon request of the War Department, make the machine tool available for further

war production use upon terms to be agreed upon between the War Department and the Buyer. The War Department agrees that it will make such request only in the event a suitable machine tool is not available from idle or surplus stocks in the hands of the War Department or a surplus disposal agency of the Government.

(4) This paragraph does not authorize sale of machine tools that have been reported to a disposal agency as surplus.

(5) The policy set forth in this paragraph has been approved by the Surplus War Property Administration.

(c) *Pricing policies.* (1) Any sale made under paragraph (a), except a sale of standard general-purpose machine tools and appurtenances, will be made in compliance with the provisions of §§ 807.206 and 807.207.

(2) Sales of standard general-purpose machine tools (i. e., those types used in civilian production, comprising, in general, those tools listed in the Standard Commodity Classification, Volume I, Major Group 34, under code numbers 34 11000 to 34 19900, inclusive, except for special machine tools such as gun reaming, rifling and chambering machines, gun boring and turning lathes, special shell turning lathes, shell tappers, special small arms ammunition machinery, and any other machine tools suitable solely for production of purely military items) made under paragraphs (a) or (b) will be made at prices determined in accordance with the following provisions of Surplus War Property Administration Regulation No. 3, 9 August 1944 (9 F.R. 9870).

(a) The original price of the manufacturer of the machine tool, inclusive of electric equipment and standard accessories, shall be computed f. o. b. the plant of such manufacturer. If special tooling is to be sold with the machine tool, its original price shall be included on the same basis.

(b) The period of active use of the machine tool shall be computed on the basis of the best information reasonably available. This period shall run from the estimated date the machine tool was originally put in use to the date of sale, if the machine tool is then still in use. If the machine tool is not in use at the time of sale, the period shall run to the estimated date when the machine tool became idle.

(c) The price computed pursuant to paragraph (a) above shall be used as a base. The price at which the machine tool shall be offered for sale shall be computed by applying to that base the percentage set forth in the following schedule opposite the period of active use of the machine tool computed pursuant to paragraph (b) above. The percentage appearing in Column B shall be applied where the buyer is the person who is using the machine tool at the time of sale or, if the machine tool is then idle, the person who last used it and the percentage appearing in Column A shall be applied where the sale is to any other buyer.

Period of active use:	*Percentage of original cost* A	B
Less than 1 month	85.0	90.0
1 month	82.5	87.5
2 months	80.0	85.0
3 months	77.5	82.5
4 months	75.0	80.0
5 months	72.5	77.5
6 months	70.0	75.0
7 months	69.0	74.0
8 months	68.0	73.0
9 months	67.0	72.0
10 months	66.0	71.0
11 months	65.2	70.2
12 months	64.4	69.4
13 months	63.6	68.6
14 months	62.8	67.8
15 months	62.0	67.0
16 months	61.2	66.2
17 months	60.4	65.4
18 months	59.6	64.6
19 months	58.8	63.8
20 months	58.0	63.0
21 months	57.2	62.2
22 months	56.4	61.4
23 months	55.6	60.6
24 months	54.8	59.8
25 months	54.0	59.0
26 months	53.2	58.2
27 months	52.4	57.4
28 months	51.6	56.6
29 months	50.8	55.8
30 months	50.0	55.0
31 months	49.2	54.2
32 months	48.4	53.4
33 months	47.6	52.6
34 months	46.8	51.8
35 months	46.0	51.0
36 months (or more)	45.2	50.2

(d) The price computed pursuant to paragraph (c) above shall be the sale price f. o. b. cars or trucks at the location of the machine tool at the time of sale.

The percentages shown under Column B of the schedule set forth in paragraph (c) above will be applied in determining the price of machine tools sold to contractors in possession under paragraph (b) and such tools will be sold f. o. b. location at time of sale.

(d) *Review of sale.* Any sale made under paragraph (a) shall be made in compliance with the provisions of § 807.208.

2. In § 807.316, paragraphs (c) and (f) are amended to read as follows:

§ 807.316 *Donations to schools engaged in pre-induction training.* * * *

(c) The recommendation of the commanding general of the service command which shall contain the specific findings required by paragraph (b) will be forwarded to the chief of the technical service having control of the property to be donated (attention redistribution and salvage officer) in the case of property of the Army Service Forces, and to the Commanding General, Air Service Command, Patterson Field, Ohio, in the case of property of the Army Air Forces. The chief of the technical service or the Commanding General, Air Service Command, if the request is approved by them, will direct the appropriate installations to ship the property to the educational institution concerned and will include in such directions a citation to this paragraph.

* * * * *

(f) No property will be shipped until receipt of payment by the donee of all expenses necessary for packing, handling and delivery to the carrier. Property shipped by carrier will be on commercial bill of lading with transportation charges collect. Copies of shipping documents listing the property supported by shipping directions described in paragraph (c) above will constitute valid credit vouchers to the property accounts. No further accounting for the property will be required. Two lists of the property donated will be forwarded to the commanding general of the service command who recommended the donation.

3. Section 807.316–1 is added, as follows:

§ 807.316–1 *Donations to schools engaged in aeronautical industrial training.* The Secretary of War, exercising the discretion conferred upon him by the Act of May 26, 1928 (45 Stat. 753, Ch. 760, 20 U. S. C. 94), has authorized and directed the donation of property of the classes specified in paragraph (d) below to educational institutions engaged in aeronautical industrial training which includes technical training of civilian employees for the maintenance and repair of aeronautical equipment under the following conditions:

(a) To be eligible for donations, an institution must:

(1) Be operated by a state or municipality, or must be certified by a state department of education or similar state authority responsible for the supervision of education to be an institution not operated for profit and to have a curriculum of a type approved by the certifying authority for similar institutions;

(2) Provide training for no less than 15 students in the course in which the donated property is to be used;

(3) Provide a course of instruction which will require the use of the donated property not less than 15 hours per week;

(4) Use the property to be donated in an aeronautical industrial training program recommended by the Assistant Chief, Air Staff, Personnel, Headquarters, Army Air Forces; and

(5) Provide adequate facilities to maintain the property.

(b) Requests for the donation of property to educational institutions to be used in aeronautical industrial training will be forwarded to the commanding general of the area air service command in which the institution is located, directed to the attention of the civilian training officer. The commanding general of the area air service command may approve the request if he determines that

(1) All efforts to supply the property from salvage have been exhausted;

(2) The request is reasonable and proper in view of the training to be given: and

(3) The institution meets the standards prescribed by the Secretary of War and set forth in paragraph (a) above.

(c) The recommendation of the commanding general of the area air service command which shall contain the specific findings required by paragraph (b) will be forwarded to the Commanding General, Air Technical Service Command, Wright Field, Ohio. The Commanding General, Air Technical Service Command, if the request is approved by him, will direct the appropriate installa-

tions to ship the property to the educational institution concerned and will include in such directions a citation to this paragraph.

(d) The following property may be donated under the authority of this paragraph: aircraft, aircraft parts, instruments or engines which are obsolete or impaired to the extent that repair would not be economical.

(e) The property specified in paragraph (d) will be donated only upon the execution and agreement by the donee that the articles donated will not be used in actual flying. Under no circumstances will any donation be made which will result in current procurement to replace the property donated. No property will be considered available for donation after it has been reported as surplus to a disposal agency.

(f) No property will be shipped until receipt of payment by the donee of all expenses necessary for packing, handling and delivery to the carrier. Property shipped by carrier will be on commercial bill of lading with transportation charges collect. Copies of shipping documents listing the property supported by shipping directions described in paragraph (c) above will constitute valid credit vouchers to the property accounts. No further accounting for the property will be required. Two lists of the property donated will be forwarded to the commanding general of the area air service command who recommended the donation.

4. In § 807.317 (a), the word "on" in the last sentence is changed to read "an" so that the paragraph, as amended, reads as follows:

§ 807.317 *Sales to contractors for return in kind.* (a) The chiefs of technical services are authorized to sell property from War Department stocks to prime contractors for the purpose of maintaining or expediting production, under agreements by such contractors to replace the items delivered with identical articles procured by the contractors or to make payment therefor, in the form prescribed in this section. Property from War Department stocks will be made available to prime contractors under the authority of this section only when the property is needed by the contractor to maintain or expedite the production rate under the prime contract, and when the contractor has outstanding subcontracts for the acquisition of identical articles which can be used to replace the War Department stock. The property sold to a contractor under the authority of this section will not exceed in estimated value an amount equal to 5% of the total amount of the principal contract.

5. Section 807.318 is amended by deleting reference to AR 95–25 and adding reference to AR 105–100. The section, as amended, reads as follows:

§ 807.318 *Miscellaneous sales under specific statutes and Army Regulations.* The chiefs of the technical services are authorized to sell or otherwise dispose of any property which is not determined to be surplus pursuant to this regulation, in accordance with the provisions of AR 45–75, AR 45–80, AR 30–2280, AR 30–2290, AR 105–100, AR 500–60, and AR 850–100. Property determined to be surplus will be disposed of only in accordance with this regulation.

SUBPART D—DISPOSITION OF NON-REPAIRABLE PROPERTY

In § 807.410, paragraph (b) (4) is amended by deleting the last sentence and paragraph (d) is added, as follows:

§ 807.410 *Pricing policies on sales of non-repairable property included in termination inventory.* * * *

(b) *Large termination inventories.* * * *

(4) All sales of scrap, whatever method of sale is adopted, shall be subject to the following warranty:

> The purchaser represents and warrants to the United States that the property covered by this agreement was offered as scrap, purchased by him as scrap, and that he will sell or ship or use it as scrap either in its existing condition or after further preparation and only in conformity with all applicable regulations and orders of the Office of Price Administration and the War Production Board.

* * * * *

(d) *Release of scrap warranty.* The scrap warranty set forth in paragraph (b) (4) may be released in behalf of the Government by contracting officers under the following conditions:

(1) The consideration to the Government for the release shall be the difference between (i) the amount at which the property was retained or sold as scrap and (ii) an amount not less than that which the contracting officer would be authorized to accept if the property were then to be sold or retained for purposes other than use as scrap. The latter amount shall be determined under the pricing policies established in § 807.207 with review and approval in appropriate cases as provided in § 807.208.

(2) The release of the scrap warranty in behalf of the Government will be given by the Government and the consideration paid to the Government even though the contract containing the warranty was not made directly with the Government.

(3) All monies paid as consideration for such releases will be deposited and covered into the Treasury as miscellaneous receipts.

SUBPART E—DISPOSITION OF SERVICEABLE NON-MILITARY PROPERTY OTHER THAN TERMINATION INVENTORY

1. Section 807.611 (c) is amended to read as follows:

§ 807.611 *Local redistribution.* * * *

(c) *Authorized war reserve.* Prior to the cessation of hostilities, only such idle production equipment as is suitable solely for production of purely military items will be retained in war reserve. Conversely, prior to cessation of hostilities special production equipment which is suitable solely for production of purely military items and not readily adaptable for production of civilian items will be retained in war reserve and will not be reported to disposal agencies. In the case of readily adaptable items of equipment, the special attachments and components which are used only for the production of purely military items will be removed and retained in war reserve.

2. Sections 807.632 (b), 807.642 and 807.643 are amended by deleting reference to War Production Board, as follows:

§ 807.632 *Circularization.* * * *

(b) *Transmittal of lists.* Circularization lists of part 3 property will be transmitted to the offices listed in § 807.902. As soon as practicable, the chiefs of technical services will ascertain informally from each other and from the Navy Department the type and kinds of property likely to be included in part 3 property circularization lists in which each has an interest and thereafter circularization will be limited to those services which have indicated an interest in the type of property being circularized.

§ 807.642 *Redistribution assistance by chief of service.* When local efforts have not resulted in redistribution of part 4 property within 30 days after it is determined to be excess, the local establishment will immediately refer the property to the chief of the technical service concerned for redistribution assistance. The chief of the technical service concerned, if he so desires, may direct that such reference be made prior to the expiration of 30 days after the property is determined to be excess. For the purpose of such reference, the property will be listed in substantially the form set forth in § 807.901 (a) for steel, § 807.901 (b) for copper and copper-base alloy, and § 807.901 (c) for aluminum. Nominal quantities, as specified in § 807.641 (a), will not be referred to the chief of service. Redistribution efforts of the local establishment will be continued after such reference, and the reference will not be permitted to delay or limit local redistribution efforts.

§ 807.643 *Determination of surplus.* Items of part 4 property that have not been redistributed within 30 days after reference to the chief of service under § 807.642 will be deemed surplus, without further action, and, with the exception of stockpile materials, will be immediately disposed of by the local establishment in accordance with Subpart G.

SUBPART G—DISPOSAL OF SURPLUS PROPERTY

1. In § 807.702, paragraph (b) is amended, paragraph (d) is amended by adding "and related property" after "aircraft" in the first sentence, paragraph (e) (3) is amended by adding "and related property" after "aircraft" in the first sentence, and paragraph (f) is amended by the insertion of a cross-reference, as follows:

§ 807.702 *Reporting to disposing agency.* * * *

(b) *Aircraft and related property.* (1) Surplus aircraft and gliders which

have been reported to Headquarters, Army Air Forces, in accordance with Army Air Force Regulation No. 65–86, dated 14 June 1944, or any amendments thereto, will be reported by Headquarters, Army Air Forces to Reconstruction Finance Corporation, Attention: Surplus Property Director, Washington 25, D. C.

(2) Surplus Aircraft Equipment, Components and Parts in supply (as distinguished from items of Government Furnished Equipment in Government Furnished Equipment warehouses and items included in termination inventories) included in the following classes listed in Army Air Forces T. O. No. 00–35A–1, and supplements thereto, will be reported to Reconstruction Finance Corporation, Federal Reserve Bank Building, Cleveland 1, Ohio, Attention: Aircraft Components and Parts Section.

01–B	03–C Only gear boxes flasher
01–C	mechanisms inverters-air-
01–D	craft. Units - retracting,
01–E	screw jacks, alternators-
01–F	aircraft
01–G	03–D
01–H	03–E
01–I	03–G
01–J	03–H all except spark plugs
01–K	03–I all except pumps, fuel
01–L	and oil
01–M	03–J all except batteries
01–N	05–C
01–O	05–D
01–P	05–E
01–Q	11–A
01–R	11–B
01–S	11–C
01–T	11–E
01–U	15
02–A	18
02–B	19–A Only aircraft towing
02–C	gear, (excluding tractors),
02–E	special maintenance dol-
02–F	lies, stands, slings, clamps
02–G	and supports. Engine
02–H	transportation cradles,
02–I	chocks, and wheel blocks.
02–J	Hydraulic wing, nose and
02–K	axle and tail jacks. Special
02–L	airplane ladders. Ground
02–M	type aircraft engine heat-
02–N	ers. Mooring kits.
02–O	28–A
02–P	28–B
03–A	28–C
03–B	

(3) Surplus steel, copper and aluminum in primary mill forms and aircraft hardware listed on Exhibit A, or any revisions thereto, to the Memorandum of Understanding between Army Air Forces, Navy Bureau of Aeronautics, Aircraft Scheduling Unit and Metals Reserve Co., which are included either in supply or termination inventories will be reported through Aircraft Scheduling Unit to Murray Cook, Agent for Metals Reserve Co., 155 E. 44th Street, New York City.

(4) Surplus items listed hereunder, whether they are Government Furnished Equipment in Government Furnished Equipment warehouses or items included in termination inventories, will be reported to Reconstruction Finance Corporation, Federal Reserve Bank Building, Cleveland 1, Ohio, Attention: Aircraft Components and Parts Section.

1. Engines.
2. Propellers.
3. Brakes.
4. Wheels.
5. Skiis.
6. Floats.
7. Carburetors.
8. Struts.
9. Magnetos.
10. Pumps—(other than fuel and oil).
11. Valves—(other than AN, AC and NAF standard part numbers).
12. Flight instruments.
13. Engine instruments.
14. Automatic flight control equipment.
15. Instrument and navigation training equipment.
16. Aircraft towing gear.

(5) Except as otherwise provided above, surplus property in supply or in Government Furnished Equipment warehouses will be reported to the Regional Office of the Reconstruction Finance Corporation or Procurement Division, Treasury Department, for the region in which the property is located in accordance with the assignments set forth in § 807.904, and surplus property included in termination inventories will be reported to the Regional Office of the Reconstruction Finance Corporation for the region in which the property is located.

* * * * *

(d) *Military property other than aircraft, food and ships.* Military property other than aircraft and related property, food and commercial ships will be reported to Reconstruction Finance Corporation or Procurement Division, Treasury Department, in accordance with the assignments set forth in § 807.904. By far the greater part of such property will consist of items of the type assigned to Procurement Division, Treasury Department for disposal. Where it is considered impracticable to segregate items of military property assigned to Reconstruction Finance Corporation, they may be included in reports to the Procurement Division, Treasury Department.

Reports will be made to the Regional Office of the appropriate disposal agency for the region in which the property is located. The addresses of the Regional Offices of the Reconstruction Finance Corporation and Procurement Division, Treasury Department, respectively, and the territories within their jurisdiction, are set forth in §§ 807.907 and 807.908.

Surplus military property under the jurisdiction of technical services of Army Service Forces (see ASF Circular No. 67, Section I, 1944) which is in stock at depots and at installations below depot level will be reported by the depot. Installations below depot level will furnish the appropriate depot with information necessary for the reporting of surplus property in stock below depot level. Surplus military property under the jurisdiction of commanding generals of Army Service Forces service commands (see ASF Circular No. 101, Section II, 1944) will be reported by the service commander.

(e) *Non-military property other than termination inventories.* * * *

(3) *Part 3 property:* Surplus Part 3 property other than aircraft and related property, food and commercial ships, will be reported to Reconstruction Finance Corporation or Procurement Division, Treasury Department in accordance with the assignments set forth in § 807.904. Reports will be transmitted to the Regional Office of the appropriate disposal agency for the region in which the property is located. The assignments of those items likely to be included in §§ 807.630 to 807.634, inclusive, are as follows:

* * * * *

(f) *Termination inventory.* Except as otherwise provided in paragraph (b), surplus termination inventory will be reported to the Regional Office of Reconstruction Finance Corporation for the region in which the property is located.

2. Sections 807.704, 807.708 and 807.709 are amended to read as follows:

§ 807.704 *Transmittal of reports.* Reports of surplus property will be transmitted to Procurement Division, Treasury Department, in triplicate and to other disposal agencies in duplicate. Where the total cost of the property included in a single report exceeds $25,000, an information copy will be transmitted to the Director, Readjustment Division, Headquarters, Army Services Forces. The information copy to Readjustment Division need not be accompanied by letter of transmittal.

§ 807.708 *Shipment after disposal.* When property has been disposed of by a disposal agency, or when the disposal agency takes custody of the property prior to disposal, the disposal agency will issue appropriate shipping instructions to the office designated in the surplus report as the "shipping office". Upon receipt of shipping instructions, the field installation concerned will prepare and load the property for shipment, and arrange for shipment of the property, as directed by the disposal agency. The expense of preparation and loading for shipment will be borne by the field installation concerned, without reimbursement by the disposal agency. The use of War Departments transportation facilities in moving surplus property into storage facilities of a disposal agency is authorized when the use of such transportation facilities will not interfere with the normal military functions of the installation concerned. Payment of transportation expenses incurred in moving surplus property into storage facilities of a disposal agency by means other than War Department transportation facilities is authorized where transfer to a disposal agency will be expedited or is otherwise required. Expenses of transportation direct to a purchaser from a disposal agency will not be borne by the War Department. When requested by the disposal agency, copies of bills of lading and other shipping documents and advice as to date of shipping will be furnished to disposal agencies. The War Department is not required to, and should not, repair, recondition or reprocess surplus property.

§ 807.709 *Fiscal procedures.* The War Department will not be reimbursed for surplus property delivered to or upon the direction of a disposal agency. Where custody of surplus property is transferred to a disposal agency, or other Governmental agency, a copy of the order of

the disposal agency to effect such transfer will constitute a valid credit voucher to the property accounts for such property, provided the order is complete in detail with respect to the quantity and nomenclature of the property ordered to be transferred; otherwise a shipping document will be originated and a copy thereof filed in support of the order. With respect to surplus property delivered upon instructions from a disposal agency to a buyer, an authenticated copy of the notice of sale or other transfer order bearing written receipt of the buyer, supported by shipping instructions (if any) received from the disposal agency, will constitute a valid credit voucher to the property accounts for such property, provided the notice of sale or other transfer order is complete in detail with respect to the quantity and nomenclature of the property ordered to be delivered to the buyer; otherwise a shipping document will be originated and a copy thereof supported by an authenticated copy of the notice of sale or other transfer order, bearing the written receipt of the buyer, will constitute a valid credit voucher to the property accounts for such property.

3. In § 807.710 (a), subparagraph (3) is amended by adding "tax" before "exemption certificates" in the last sentence, so that the subparagraph shall read as follows:

§ 807.710 *Clearance for sale by War Department.* * * *

(a) *Sale after clearance.* * * *

(3) When Form No. 1094 (or other appropriate certificate) executed under the conditions stated above, is received in the administrative office (Finance Department), the bureau or office number of the payment voucher will be noted on the certificate and the administrative office (Finance Department) will bill the State or local taxing agency for refund of the taxes paid. The amount(s) collected will be transmitted to the disbursing officer for credit to the appropriation(s) from which the vouchers were paid, or to miscellaneous receipts account, "4326—Refund, State and Local Taxes," if the appropriation cannot be readily identified. In the event the administrative office (Finance Department) fails to secure refund of the amount of taxes paid, it will transmit promptly to the General Accounting Office the tax exemption certificates, if available, together with all correspondence with the taxing agency relating thereto, and information as to the disbursing officer's voucher number on which payment for the merchandise was made, for use by the General Accounting Office in effecting collection thereof as required by section 236, Revised Statutes, as amended by the Budget and Accounting Act, 1921.

APPENDIX

1. In § 807.902, the address of Chicago CW Procurement District is changed, distribution to Office of Quartermaster General is changed, the second and last addresses under Army Air Forces are changed, and the address of the War Production Board is deleted, as follows:

§ 807.902 *Offices to receive Part 1 and 3 circularization lists.* * * *

OFFICE OF THE CHIEF OF CHEMICAL WARFARE SERVICE

* * * * *

Commanding Officer
Chicago CW Procurement District
Room 1600, Civic Opera Building
20 North Wacker Drive
Chicago 6, Illinois 1

* * * * *

OFFICE OF THE QUARTERMASTER GENERAL

Redistribution and Salvage Officer
Office of the Quartermaster General
Room 1049 Temporary A Building
2d and T streets, S.W.
Washington 25, D. C. 5

Commanding Officer
Jersey City Quartermaster Depot
34 Exchange Place
Jersey City 2, N. J.
Attn.: Excess Utilization Section
Buying and Purchase Branch
Procurement Division 2

* * * * *

ARMY AIR FORCES

* * * * *

Chief of Property Disposal Section,
Readjustment Division,
Air Technical Service Command,
Wright Field, Dayton, Ohio 3

* * * * *

Chief of Disposal Section,
Supply Division,
Air Technical Service Command,
Wright Field, Dayton, Ohio. 11

2. Section 807.903 is revoked, as follows:

§ 807.903 *Regional Offices of War Production Board.* [Revoked]

[Procurement Reg. 8]

PART 808—FEDERAL, STATE AND LOCAL TAXES

SUBPART E—STATE AND LOCAL TAXES

In § 808.831, the entry "Louisiana" in the list is amended to read as follows:

§ 808.831 *Applicable tax directives.*

* * *

Louisiana.. Section II, ASF Circular No. 298, 11 September 1944.

[Procurement Reg. 9]

PART 809—LABOR

SUBPART G—WAGE AND SALARY STABILIZATION

1. Section 809.979 (b) is amended by adding subparagraph (2a), and paragraph (d) is amended as follows:

§ 809.979 *Jurisdiction and procedure of Regional War Labor Boards.* * * *

(b) *Procedure in dispute cases not involving wages or salaries.* * * *

(2a) Where Conciliation Service has certified to the Board a case in which the parties have agreed in writing to waive their right to a hearing and have agreed to submit the issues on briefs, the following procedure shall be followed by the agency to which the case is referred by the New Case Committee.

The Regional New Case Committee or agency assignments officer shall assign the case to an assistant disputes director or hearing officer and shall notify the parties of the receipt of the case, the referral which is being made and the date upon which briefs must be filed. Each party will be instructed to furnish the other party or parties with copies on the brief.

The designated officer will thereupon review the briefs and prepare findings of fact and recommendations, a copy of which shall be mailed to each party with notice that written comments may be filed with the Board and other party not later than 7 days after the receipt of the copy. After analysis of the comments, if any, the designated officer will present the case to the Board with his findings of fact, recommendations, and comments.

* * * * *

(d) *Procedure in voluntary wage and salary adjustment cases.* This procedure is set forth in paragraph (e) *et seq.*

2. In § 809.980d (d), subparagraphs (32), (33), (34) and (35) are added as follows:

§ 809.980d *General Order No. 4.* * * *

(d) * * *

(32) Automotive repair industry in Region IX of the National War Labor Board.

(33) Employers engaged primarily in the distribution and recapping or retreading of tires within the jurisdiction of Region II of the National War Labor Board.

(34) The painting and decorating industry in Los Angeles County, California, of Region X. For the purposes of this paragraph, the painting and decorating industry is defined as the painting and decorating of interiors and exteriors of buildings or structures, commercial and industrial as well as housing, i. e., multiple dwellings and single units, painting outdoor advertising, billboards, and fences.

(35) All employees in the Territory of Alaska.

4. The text of § 809.980j preceding paragraph (a) is amended to read as follows:

§ 809.980j *General Order No. 10.*

(a) The payment to employees, whose wage or salary increases are subject to the jurisdiction of the National War Labor Board, of a bonus or gift paid to such employees in the past may be continued without the approval of the National War Labor Board, *Provided,* That:

(1) If in a fixed amount, the total amount so paid to an employee during the current bonus year does not exceed the total so paid to an employee for like work during the preceding bonus year, or;

(2) If computed on a percentage, incentive or other similar basis, the rate and the method of computation are not changed in the current bonus year so as to yield a greater amount than that in the preceding bonus year, but a greater amount when resulting from the same rate and method of computation may be paid.

(b) Notwithstanding the provisions of paragraph (a) hereof, an employer may pay to each of his employees, without the approval of the National War Labor Board, a Christmas or year-end bonus in an amount not exceeding the sum of twenty-five dollars.

(c) If an employee is regularly compensated on a commission or fixed percentage basis, a change in the rate or method of compensation constitutes a wage or salary adjustment which requires the approval of the National War Labor Board.

5. In § 809.980n a note is added immediately preceding paragraph (a), and the list of fixed-fee engineers projects in paragraph (b) is amended, as follows:

§ 809.980n *General Order No. 14.* * * *

NOTE: Pursuant to the authority vested in him by General Order No. 37 of the National War Labor Board, the Secretary of War has designated, effective August 12, 1944, the War Department Wage Administration Agency as the Agency to exercise all powers delegated to him in that order. (See § 809.980ee.)

* * * * * *

(b) *Government-owned, privately operated facilities.* * * *

Non-Manual Employees Employed on the Following Fixed-Fee Engineers Projects Are Embraced Within the Delegation to the War Department Agency

Aberdeen Proving Ground (Supersonic Wind Tunnel Laboratory), Aberdeen, Md.
Ainsworth Airfield, Ainsworth, Nebr.
Air Support Command Base, Colorado Springs, Colo.
Alabama Ordnance Works, Sylacauga, Ala.
Alexandria, Q. M. Depot, Alexandria, Va.
Allegany Ordnance Works, Cumberland, Md.
Alliance Glider Base, Alliance, Nebr.
Alterations and Additions to Existing Laundry, Chatham, Mass.
Alterations and Additions to Existing Laundry, Falmouth, Mass.
American Locomotive Co., Schenectady, N. Y.
Anacostia—Dalecarlia Reproduction Plant, Washington, D. C.
Anniston Ordnance Depot, Anniston, Ala.
Arlington Hall Station, Arlington, Va.
Army Airforce Advanced Flying School, La Junta, Colo.
Army Airforce First Concentration Command, Halls, Tenn.
Army Airforce Storage Depot, Columbus, Ohio.
Ashford General Hospital, White Sulphur Springs, W. Va.
Ashford Internment Camp, White Sulphur Springs, W. Va.
Atlanta Ordnance Motor Base, Atlanta, Ga.
Atlas Building, Columbus, Ohio.
Atterbury, Camp, Columbus, Ind.
Aviation Mechanical Training School, Biloxi, Miss.
Badger Ordnance Works, Baraboo, Wis.
Barge Construction, Jacksonville, Fla.
Bartholomew County Airfield, Columbus, Ind.
Bayonne Terminal, Bayonne, N. J.
Belle Meade Q. M. Depot, Read Valley, N. J.
Beltsville Air Support Command Base, Beltsville, Md.
Belvoir, Fort, Accotink, Va.
Berry Hills Army Air Center, Nashville, Tenn.
Big Springs Army Airfield, Big Springs, Tex.
Billings General Hospital, Indianapolis, Ind.
Black Hills Ordnance Depot, Provo, S. Dak.
Bluegrass Ordnance Depot, Richmond, Ky.
Blytheville Advanced Twin Engine Training School, Blytheville, Ark.
Boeing Field, Seattle, Wash.
Bolling Field, D. C.
Bowman Field, Louisville, Ky.
Bragg, Fort, Fayetteville, N. C.
Breckenridge, Camp, Morganfield, Ky.
Bruning Airfield, Bruning, Nebr.
Buckeye Ordnance Works, South Point, Ohio.
Buckley Field, Denver, Colo.
Buffalo Modification Center #5, Buffalo, N. Y.
Building 703–705 Columbia Pike, Arlington, Va.
Bushnell General Hospital, Brigham City, Utah.
Butler General Hospital, Butler, Pa.
Cactus Ordnance Works, Etter, Tex.
Camp Springs Airfield, Camp Springs, Md.
Campbell, Camp, Clarksville, Tenn.
Carson, Camp, Colorado Springs, Colo.
Carteret Ordnance Motor Reception Park, Carteret, N. J.
Casper Airbase, Casper, Wyo.
Castle Island Terminal, Boston, Mass.
Chaffee Camp, Fort Smith, Ark.
Chanute Field, Rantoul, Ill.
Cherokee Ordnance Works, Danville, Pa.
Cheyenne Modification Center, Cheyenne, Wyo.
Chicago Aircraft Assembly Plant, Chicago, Ill.
Chickasaw Ordnance Works, Millington, Tenn.
Clarksville Airfield, Clarksville, Tenn.
Cleveland Aircraft Assembly Plant, Cleveland, Ohio.
Cleveland General Hospital, Parma, Ohio.
Colorado Springs Airfield, Colorado Springs, Colo.
Como Internment Camp, Como, Miss.
Congaree Ground Air Support, Congaree, S. C.
Consolidated Aircraft Plants, San Diego, Calif.
Construction for the Bureau of Standards, Loudoun County, Va.
Corinth Tent Camp, Corinth, Miss.
Crowder, Camp, Neosho, Mo.
Customhouse Wharf, Portland, Maine.
Daggett Modification Center #1, Daggett, Calif.
Davis, Camp, Camp Davis, N. C.
Dawes, Fort, Deer Island, Mass.
Del Valle Airfield, Del Valle, Tex.
Denison Dam & Reservoir, Denison, Tex.
Denver Ordnance Plant, Denver, Colo.
Detrick Field CWS Experimental Plant, Frederick, Md.
Detroit Tank Arsenal, Detroit, Mich.
Dickson Gun Plant, Houston, Tex.
Dix, Fort, Wrightstown, N. J.
Dix, Fort Airfield, Wrightstown, N. J.
Dixie Ordnance Works, Sterlingtown, La.
Dog Training Center, Front Royal, Va.
Douglas Aircraft Corporation, Long Beach, Calif.
Douglas Elsegundo Plant, Inglewood, Calif.
Duck River CWS Plant, Columbia, Tenn.
Dugway Proving Grounds (Granite Peak), Tooele, Utah.
Dyersburg Airfield, Dyersburg, Tenn.
Eastaboga Air Base, Eastaboga, Ala.
Edgewood Arsenal, Edgewood, Md.
Elgin Field, Valpariso, Fla.
Escanaba Ore Docks, Escanaba, Mich.
Evansville Ordnance Plant, Evansville, Ind.
Fairfax Aircraft Assembly Plant, Fairfax, Kans.
Fairmont Airfield, Fairmont, Nebr.
Fall Creek Ordnance Plant, Indianapolis, Ind.
Ferro Enamel CWS Plant (Birmingham CWS Plant), Birmingham, Ala.
Fort Crook Modification Center #8, Fort Crook, Nebr.
Fort Belvoir, Fort Belvoir, Va.
Fort Knox, Fort Knox, Ky.
Fort Monroe, Fort Monroe, Va.
Fort Myer, Fort Myer, Va.
Fort Peck Powerhouse, Fort Peck, Mont.
Fort Riley, Fort Riley, Kans.
Fort Worth Parts Plant, Fort Worth, Tex.
Fostoria Plant, Fostoria, Ohio.
Gainesville Airfield, Gainesville, Tex.
Gary Armor Plate Plant, Gary, Ind.
George Field, Lawrenceville, Ill.
Glasgow Airfield, Glasgow, Mont.
Gopher Ordnance Works, Rosemont, Minn.
Gore Airfield, Great Falls, Mont.
Grand Island Airfield, Grand Island, Nebr.
Great Brewster Island, Boston Harbor, Mass.
Great Falls Army Airfield, Great Falls, Mont.
Green River Ordnance Plant, Amboy, Ill.
Greenwood Airfield, Greenwood, Miss.
Grenada Air Support Command Base, Grenada, Miss.
Haan, Camp, Riverside, Calif.
Haddon Hall Alterations, Atlantic City, N. J.
Hale, Camp, Pando, Colo.
Halloran General Hospital, Staten Island, N. Y.
Harrison, Fort Benjamin, Indianapolis, Ind.
Harvard Airfield, Harvard, Nebr.
Headquarters 2d Army, Memphis, Tenn.
Herington Satellite Airfield, Herington, Kans.
Holston Ordnance Works, Kingsport, Tenn.
Howze, Camp, Gainesville, Tex.
Huntington National Bank Building, Columbus, Ohio.
Huntsville Arsenal, Huntsville, Ala.
Indiana Ordnance Works, Charleston, Ind.
Iowa Ordnance Plant, Burlington, Iowa.
Jackson CWS Project.
Jackson General Hospital, Jackson, Miss.
Jayhawk Ordnance Works, Baxter Springs, Kans.
Jerome Relocation Center, McGehee, Ark.
Jersey City Q. M. Sub Depot, Somerville, N. J.
Johnstown Forging Plant, Johnstown, Pa.
Joyce Building, Columbus, Ohio.
Kaiser Shell Plant, Fontana, Calif.
Kankakee Ordnance Works, Joliet, Ill.
Kansas City Aircraft Assembly Plant, Kansas City, Kans.
Kansas City Q. M. Depot, Kansas City, Mo.
Kearney Airfield, Kearney, Nebr.
Kearney Equipment Repair Depot, Kearney, Nebr.
Keesler Field, Biloxi, Miss.
Kennedy General Hospital, Memphis, Tenn.
Kentucky Ordnance Works, Paducah, Ky.
Keystone Ordnance Works, Geneva, Pa.
Kingsbury Ordnance Plant, LaPorte, Ind.
Kodak Optical Works, Rochester, N. Y.
La Junta Airfield, La Junta, Colo.
La Junta Auxiliary Fields, Las Animas, Colo.
Lake City Ordnance Plant, Independence, Mo.
Lake Ontario Ordnance Works, Modeltown, N. Y.
Langley Field, Hampton, Va.
Laurinburg-Maxton Air Base, Laurinburg, N. C.
Lawson General Hospital, Atlanta, Ga.
Letterkenny Ordnance Depot, Chambersburg, Pa.
Lewis, Fort, Fort Lewis, Wash.
Lincoln Airbase, Lincoln, Nebr.
Lockheed Vega Aircraft Co., Burbank, Calif.
Lone Star Ordnance, Texarkana, Tex.
Longhorn Ordnance Works, Karnack, Tex.
Lordstown Ordnance Depot, Lordstown, Ohio.
Louisiana Ordnance Plant, Minden, La.
Louisville Ordnance Depot, Louisville, Ky.
Lowell Ordnance Depot, Lowell, Mass.
McCain, Camp, Grenada, Miss.
Malden Basic Flying School, Malden, Mo.
Manhattan District Projects.
Marietta Aircraft Assembly Plant, Atlanta, Ga.
Marshall Plant, New Martinsville, W. Va.
Martinsburg General Hospital, Martinsburg, W. Va.
Maumelle Ordnance Works, Marche, Ark.
Maury Plant, Columbia, Tenn.
Mead Equipment Repair Depot, Mead, Nebr.
McClellan, Fort, Anniston, Ala.
McCook Satellite Field, McCook, Nebr.
Memphis Airfield, Memphis, Tenn.
Memphis Q. M. Depot, Memphis, Tenn.

Midwest Air Depot (Tinker Army Airfield), Oklahoma City, Okla.
Milwaukee Ordnance Plant, Milwaukee, Wis.
Missouri Ordnance Works, Louisiana, Mo.
Monmouth, Fort, Red Bank, N. J.
Monroe Reception Center, Monroe, La.
Monticello Internment Camp, Monticello, Ark.
Morgantown Ordnance Works, Morgantown, W. Va.
National Park College, Forest Glenn, Md.
New Orleans Port of Embarkation, New Orleans, La.
Newport News Staging Area, Newport News, Va.
New York Ordnance Works, Baldwinsville, N. Y.
Niagara Falls Modification Center #7, Niagara Falls, N. Y.
Niagara Falls Plant, Niagara Falls, N. Y.
Nichols General Hospital, Louisville, Ky.
Nitschke Building, Columbus, Ohio.
North American Aviation Plant, Inglewood, Calif.
North Camp Polk, Leesville, La.
Oahu General Hospital, Honolulu, Territory of Hawaii.
Oklahoma City Aircraft Assembly Plant, Oklahoma City, Okla.
Oklahoma Ordnance Works, Choteau, Okla.
Orangeburg Staging Area, Orangeburg, N. Y.
O'Reilly General Hospital, Springfield, Mo.
Ozark Ordnance Works, El Dorado, Ark.
Pantex Ordnance Plant, Amarillo, Tex.
Paris Airfield, Paris, Tex.
Patterson Field, Osborne, Ohio.
Pennsylvania Ordnance Works, Allenwood, Pa.
Pentagon Building, Arlington, Va.
Phillips, Camp, Salina, Kans.
Pickett, Camp, Blackstone, Va.
Pierre Airfield, Pierre, S. Dak.
Pine Bluff Arsenal, Pine Bluff, Ark.
Pinker Army Air Field, Oklahoma City, Okla.
Pollock Air Support Command Base, Pollock, La.
Polymer Plant (Four X Project), Azusa, Calif.
Port Newark, Newark, N. J.
Portage Ordnance Depot, Ravenna, Ohio.
Potomac River Emergency Railroad Crossing, Arlington, Va.
Pueblo Ordnance Depot, Pueblo, Colo.
Quartermaster Market Center, Alexandria, Va.
Radford Ordnance Works, Radford, Va.
Rapid City Airbase, Rapid City, S. Dak.
Rapid City Cantonment, Rapid City, S. Dak.
Reading Airfield, Reading, Pa.
Red River Ordnance Depot, New Boston, Tex.
Redstone Ordnance Plant, Huntsville, Ala.
Richmond Holding and Reconsignment Point, Richmond, Va.
Richmond Q. M. Depot, Richmond, Va.
Ritchie, Camp, Camp Ritchie, Md.
Rocky Mountain Arsenal, Denver, Colo.
Rocky Mountain Arsenal, Labora, Colo.
Rohwer Relocation Center, McGehee, Ark.
Rome Army Air Depot, Rome, N. Y.
Russell City Airfield, Russell City, Calif.
Ruston Internment Camp, Ruston, La.
St. Joseph Municipal Airport, St. Joseph, Mo.
St. Louis Ordnance Plant, St. Louis, Mo.
St. Louis Plant, St. Louis, Ill.
St. Paul Ford Plant, St. Paul, Minn.
St. Paul Modification Center #12, St. Paul, Minn.
St. Paul Propeller Plant, St. Paul, Minn.
Salina Repair Depot, Salina, Kans.
Sangamon Ordnance Plant, Illiopolis, Ill.
Scioto Ordnance Plant, Marion, Ohio.
Scribner Airfield, Scribner, Nebr.
Second Army Headquarters, Memphis, Tenn.
Sedalia Glider Base, Sedalia, Mo.
Seneca Ordnance Depot, Kendia, N. Y.
Selman Field, Monroe, La.
Seymour Airfield, Seymour, Ind.
Shenango Personnel Replacement Depot, Transfer, Pa.
Sibert, Camp, Gadsden, Ala.
Sioux City Airfield, Sioux City, Iowa.
Sioux Falls Radio Mechanical School, Sioux Falls, S. Dak.
Sioux Ordnance Depot, Sidney, Nebr.
Smoky Hill Airfield, Salina, Kans.
Standish, Camp Myles, Taunton, Mass.
Stout Field, Indianapolis, Ind.
Sturgis Airfield, Sturgis, Ky.
Sunflower Ordnance Plant, Eudora, Kans.
Terre Haute Ordnance Depot, Terre Haute, Ind.
Tomah Radio School, Tomah, Wis.
Topeka Army Airfield, Topeka, Kans.
Topeka General Hospital, Topeka, Kans.
Tucson Modification Center #2, Tucson, Ariz.
Tuskegee Army Flying School, Tuskegee, Ala.
Twin Cities Ordnance Plant, St. Paul, Minn.
Tyson, Camp, Paris, Tenn.
Union Central Building Annex, Cincinnati, Ohio.
U. S. O. Building, Norfolk, Va.
U. S. X-Ray School, Memphis, Tenn.
Valley Forge General Hospital, Phoenixville, Pa.
Van Dorn, Camp, Centerville, Miss.
Victory Ordnance Plant, Decatur, Ill.
Vigo Ordnance Plant, Terre Haute, Ind.
Volunteer Ordnance Works, Chattanooga, Tenn.
Wabash River Ordnance Works, Newport, Ind.
Walker Satellite Airfield, Hays, Kans.
Walnut Ridge Airfield, Walnut Ridge, Ark.
Walterboro Airfield, Walterboro, S. C.
Washington, Fort, Silesia, Md.
West Virginia Ordnance Works, Point Pleasant, W. Va.
Westvaco C. W. S. Plant, South Charleston, W. Va.
Winter General Hospital, Topeka, Kans.
Woodrow Wilson General Hospital, Staunton, Va.
Wright Field, Dayton, Ohio.

6. In § 809.980cc, paragraphs C 2, F 1 and F 2 under the heading "II. Employers of 31 or more employees" are amended to read as follows:

§ 809.980cc *General Order No. 31.*

* * *

II. EMPLOYERS OF 31 OR MORE EMPLOYEES

* * * * *

C. Employers having no existing plan.

* * *

2. Promotions or reclassifications involve individual adjustments which result from moving an employee into a different job classification. Promotions and reclassifications may be made between jobs which bear single rates as well as between jobs which bear rate ranges. When promoted or reclassified to a higher-rated job, an employee (subject to National War Labor Board jurisdiction) may receive a rate not in excess of 15 per cent above his rate on his former job or the minimum rate for the new job, whichever is higher: *Provided, however,* That where an employee has special ability and experience, he may be paid a rate within the appropriate range corresponding to such ability and experience: *And provided further,* That a promoted or reclassified employee shall not receive a rate lower than the single rate or than the minimum of the rate range applicable to the job classification to which the employee has been promoted or reclassified. If before September 7, 1944, an employer has had a plan properly in existence (as defined in this general order) which provides for the payments to a promoted or reclassified employee of a rate lower than the single rate or the minimum of the range during a probationary period, such provision may be continued in effect.

* * * * *

F. Restrictions on hiring employees at rates in excess of the minimum rate of the properly established rate range for a given job classification.

1. *Existing establishments.* An employer shall hire employees at the minimum of the properly established rate range for a given job classification: *Provided, however,* That an employee who has special ability and experience may be hired at a rate within the range corresponding to such ability and experience. But an employer may not, within a given year (which shall be the same year as the one used by the employer in calculating the average amount of merit or length of service increases given under section II–C–1 of this general order), hire more than 25 percent of all the employees hired in his establishment for job classifications for which rate ranges have been established, at rates in excess of the minima of such rate ranges for such job classifications. In any establishment in which fewer than four employees are hired within the year, for such job classifications, one employee who has special ability and experience may be hired at a rate in excess of the minimum rate of the properly established rate range. If, before September 7, 1944, an employer has had a plan properly in existence (as defined in this general order) which provides that some percentage of employees in excess of 25 percent may be hired at rates above the appropriate minimum rate, such provision may be continued in effect. All other employers are subject to the restrictions of this or the following subsection (II–F–1 or II–F–2).

2. *New establishments or new departments in existing establishments.* An employer shall hire employees at the minimum of the properly established rate range for a given job classification: *Provided, however,* That an employee who has special ability and experience may be hired at a rate within the range corresponding to such ability and experience. But an employer may not, within the first year of operation hire more than 50 percent of all the employees hired in his establishment, for job classifications for which rate ranges have been established, at rates in excess of the minima of such rate ranges for such job classifications. During all subsequent years of operation, no more than 25 percent of all the employees hired in his establishment for such job classifications may be hired at rates in excess of the minima of such rate ranges for such job classifications. In any establishment in which fewer than four employees are hired within the year, for such job classifications, one employee who has special ability and experience may be hired at a rate in excess of the minimum rate of the properly established rate range.

[Procurement Reg. 11]

PART 811—MISCELLANEOUS PURCHASE INSTRUCTIONS

SUBPART D—PRICE AND RATIONING REGULATIONS

1. In § 811.1134, paragraph (c) is amended to read as follows:

§ 811.1134 *Sales.* * * *

(c) *Other OPA regulations pertaining to sales.* If officers making sales on behalf of the War Department have any problems with relation to ceiling prices in connection with such sales which are not covered by the provisions of these pro-

curement regulations including § 807.111 (b) *et seq.*, solution of such problems should be reached through contact with appropriate OPA officials or by reference of the problems to the Chief, OPA Branch, Purchases Division, as provided in § 811.1130 (b).

2. In § 811.1135 (c), subparagraph (4) is amended by adding a reference to Circular 363, as follows:

§ 811.1135 *Rationing regulations.* * * *

(c) *Where certain War Department instructions may be found.* * * *

(4) Circulars 246, 282, 363, W.D., 1944—Certain petroleum products; and

SUBPART H—MISCELLANEOUS MATTERS

1. In § 811.1187a, paragraphs (b) and (c) are redesignated (c) and (d) and a new paragraph (b) is added to read as follows:

§ 811.1187a *Restrictions on local purchases.* * * *

(b) Reference is also made to Section IV, Circular No. 209, War Department, 1943, as amended by Section I, Circular No. 361, War Department, 1944, dealing with local purchase of items of ordnance supply, such as spare parts, tools, accessories, shop equipment and supplies.

(c) It is essential that local purchases be kept to a minimum in order not to impinge on matériel and supplies intended for civilian economy. Local purchases are generally less economical, often result in an accumulation of nonstandard supplies which have limited use and tend to create excesses of standard items in depot stocks.

(d) Responsibility for controlling local purchases is a continuing command function in all echelons and at all installations. It shall be exercised vigorously and systematically.

2. Section 811.1189 is added as follows:

§ 811.1189 *Certificate required in procurement with respect to motor-propelled passenger-carrying vehicles.* All procuring instruments covering the purchase of supplies, equipment, spare parts, accessories or services, for use in the operation, maintenance, or repair of motor-propelled passenger-carrying vehicles will bear the following certificate:

None of the supplies or services covered by this instrument are to be used in violation of the legal restrictions quoted in Circular No. 340, War Department, 1944.

[Procurement Reg. 15]

PART 815—TERMINATION OF CONTRACTS FOR THE CONVENIENCE OF THE GOVERNMENT

SUBPART B—PROCEDURES RELATING TO TERMINATION OF LUMP SUM SUPPLY CONTRACTS

Preparation and Review of Contractors' and Subcontractors' Accounting Statements and Proposals for Settlement: Accounting Guides to a Negotiated Settlement

In § 815.492, paragraph (i) is amended to read as follows, and paragraph (j) is amended by deleting Wright Aeronautical Company from the list.

§ 815.492 *Accounting examinations under interservice plan.* * * *

(i) *Administrative reports.* Reports of progress (Control Approval Symbol RCT 9) for each contractor assigned to a technical service pursuant to § 815.223 will be prepared in accordance with prescribed instructions of that service and will be delivered by the 10th of each month to an office or officer designated by the chief of that service, so as to be available for review by higher authority. It is contemplated that reports of progress should be required at least monthly and should include the following as a minimum:

(1) Number and dollar volume of settlement proposals

(i) On hand at the beginning of the month;

(ii) Received during the current month;

(iii) Covered by reports released during month;

(iv) On hand at end of the month.

(2) Segregation of settlement proposals on hand at end of the month (1) ((iv) above) as follows:

(i) Number and dollar volume of settlement proposals for which accounting reviews have been made but on which final report is being held, pending receipt of property disposition data.

(ii) Number and dollar volume of settlement proposals for which accounting reviews of gross charges have not been completed. These proposals should be aged for number and dollar amount from the date received in accordance with the following classifications:

(*a*) Under thirty days;

(*b*) Thirty to sixty days; and

(*c*) Over sixty days.

SUBPART D—COST-PLUS-A-FIXED-FEE CONTRACTS

General

In § 815.651, paragraph (g–1) is amended by changing the headnote of subparagraph (3) and paragraph (h–1) is added, as follows:

§ 815.651 *Steps in the termination of cost-plus-a-fixed-fee contracts.* * * *

(g–1) *Method of presenting and auditing costs under terminated cost-plus-a-fixed-fee supply contracts and subcontracts.* * * *

(3) *Retention of Government copies of proposal and data.* * * *

(h–1) *Settlement of portions of fixed-price contracts which are on a reimbursable cost basis.* (1) Contracts for the production of supplies on a fixed-price basis frequently contain separate provisions calling for the manufacture, construction or acquisition, on a reimbursable cost basis, of specified facilities, materials, etc. An example of such provision is found in procurement regulations, § 803.332.

(2) The principles and procedures set forth in the three next preceding paragraphs (g), (g–1) and (h), will be applied, so far as reasonably applicable, to the settlement of that portion of a fixed-price contract which is on a reimbursable cost basis, in the event of the termination of such portion either independently of or concurrently with the termination of the balance of the contract. If the reimbursable cost portion has been completed prior to the termination of the balance of the contract, settlement of unreimbursed costs applicable to such portion may be made in accordance with the same principles and procedures.

[F. R. Doc. 44–15637; Filed, Oct. 9, 1944; 2:47 p. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

PART 2—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

MISCELLANEOUS AMENDMENTS

By virtue of and pursuant to the provisions of sections 502 (f) and 701 (a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 (f), 371 (a)), the regulations heretofore promulgated under sections 502 (f) and 505 of the act are hereby amended in the respects set forth below.

The regulation promulgated under section 502 (f) of the act (21 CFR, Cum. Supp., 2.106) is amended by striking out paragraphs (b) and (c) and substituting therefor the following paragraphs (b) to (k), inclusive:

§ 2.106 *Drugs and devices; directions for use.* * * *

(b) Except as otherwise provided by paragraphs (h) and (i) of this regulation, a shipment or other delivery of a drug or device shall be exempt from the requirements of section 502 (f) (1) of the act if it complies with all of the following conditions:

(1) Such drug or device, because of its toxicity or other potentiality for harmful effect or the method of its use or the collateral measures necessary to its use, is not generally recognized among experts qualified by scientific training and experience to evaluate its safety and efficacy, as safe and efficacious for use except by or under the supervision of a physician, dentist or veterinarian.

(2) Such shipment or delivery is to be:

(i) Dispensed by physicians, dentists, or veterinarians in their professional practice;

(ii) Dispensed upon prescriptions issued by physicians, dentists, or veterinarians in their professional practice and under labeling bearing the directions for use specified in such prescriptions;

(iii) Compounded with other substances in filling such prescriptions; or

(iv) Used in the manufacture of another drug or device.

(3) Information adequate for the use of such drug or device by physicians, dentists, or veterinarians, as the case may be, is readily available.

(4) The label of such drug or device (other than surgical instruments and other devices to be used exclusively by physicians, dentists ,or veterinarians in their professional practice) bears the statement "Caution: To be dispensed only by or on the prescription of a _____", or "Caution: To be dispensed only by or on the prescription of a _____, or otherwise used only for manufacturing purposes", the blank being filled in with one or more of the words "physician", "dentist", and "veterinarian", as the case may be.

(5) No representation with respect to the conditions for which a drug or device is to be used or how it is to be used appears in its labeling except representations:

(i) In printed matter supplied to a physician, dentist, or veterinarian separately from such drug or device;

(ii) Specified in a prescription, which was issued by a physician, dentist, or veterinarian in his professional practice, upon which such drug or device was dispensed; or

(iii) Required by an official compendium.

(6) In the case of a drug which is not designated solely by a name recognized in an official compendium and which is fabricated from two or more ingredients, its label also bears a statement of the quantity or proportion of each active ingredient.

(c) Except as otherwise provided by paragraphs (h) and (i) of this regulation, a shipment or other delivery of a drug which cannot be exempted under paragraph (b) of this regulation because of the provisions of subparagraph (1) thereof also shall be exempt from the requirements of section 502 (f) (1) of the act if it complies with all of the conditions set forth in paragraph (b) (4) and (5) of this regulation and with all of the following additional conditions:

(1) Such drug is not a liquid solution, emulsion, or suspension and is not in tablet, capsule, or other unit form.

(2) The name whereby such drug is designated in its label is recognized in an official compendium.

(3) Such drug is ordinarily compounded with other substances before it is dispensed.

(4) Such shipment or delivery is to be:

(i) Compounded with other substances in filling prescriptions issued by physicians, dentists, or veterinarians in their professional practice; or

(ii) Used in the manufacture of another drug.

(d) Except as otherwise provided by paragraphs (h) and (i) of this regulation, a shipment or other delivery of a drug which cannot be exempted under paragraph (b) of this regulation because of the provisions of subparagraph (1) thereof also shall be exempt from the requirements of section 502 (f) (1) of the act if it is ordinarily used as an inactive ingredient, such as a coloring, emulsifier, excipient, flavoring, lubricant, preservative, or solvent, of other drugs.

(e) Except as otherwise provided by paragraphs (h) and (i) of this regulation, a shipment or other delivery of a drug or device also shall be exempt from the requirements of section 502 (f) (1) of the act if it complies with all the conditions set forth in paragraphs (b) (3) and (6) of this regulation and if such shipment or delivery is made to a physician, dentist, veterinarian, hospital, or clinic to be dispensed by or under the direction of physicians, dentists, or veterinarians in their professional practice.

(f) A shipment or other delivery of a drug or device also shall be exempt from the requirements of section 502 (f) (1) of the act if it is made to a dealer or manufacturer to be used in the manufacture of another drug or device and its label bears the statement "For manufacturing use only."

(g) A shipment or other delivery of a drug or device also shall be exempt from the requirements of section 502 (f) (1) of the act with respect to common uses, adequate directions for which are known by the ordinary individual.

(h) No shipment or other delivery of any drug shall be exempt under any provision of this regulation from any requirement of section 502 (f) (1) of the act unless its labeling bears the information concerning its use which is contained in the labeling upon the basis of which an application under section 505 of the act is effective with respect to such drug.

(i) No exemption under any provision of this regulation shall apply to any shipment or other delivery of:

(1) A drug if its advertising disseminated or sponsored by or on behalf of its manufacturer, packer, or other person responsible for making such shipment or delivery, contains any representation not borne by its labeling and which, if so borne, would make it a new drug;

(2) A drug intended for administration by iontophoresis or by injection into or through the skin or mucous membrane; or

(3) A drug or device if such shipment or delivery is made in the course of the conduct of a business of dispensing drugs or devices pursuant to diagnosis by mail.

(j) If a shipment or other delivery, or any part thereof, of a drug or device which is exempt under paragraph (b), (c), (e), or (f) of this regulation is disposed of for any purpose other than those specified in such paragraph, such exemption shall expire, with respect to such shipment or delivery or part thereof which is so disposed of, at the beginning of the act of such disposal. The causing of an exemption so to expire shall be considered to be an act which results in such drug or device being misbranded unless, prior to such disposal, it is relabeled to comply with the requirements of section 502 (f) (1) of the act, or it is disposed of for use otherwise than as a drug or device.

(k) For the purposes of this regulation:

(1) The term "manufacture" does not include the use of a drug as an ingredient in compounding any prescription issued by a physician, dentist, or veterinarian in his professional practice.

(2) The terms "physician", "dentist", and "veterinarian", as used in relation to the exemption of any drug or device, include only those physicians, dentists, and veterinarians who are licensed by law to administer or apply such drug or device.

The regulations promulgated under section 505 of the act (21 CFR, Cum. Supp., 2.109 et seq.) are amended:

1. By changing paragraph (b) of § 2.110 (relating to section 505 (b) of the act) and adding a new paragraph (d) thereto as follows:

§ 2.110 *New drugs; applications.* * * *

(b) An application shall not be accepted for filing if only one copy is submitted or if it is incomplete on its face in that—

(1) It does not contain all the matter required by clauses (1), (2), (3), (4), and (6) of section 505 (b) of the act;

(2) It does not state the conditions under which the drug is to be used; or

(3) The specimen of labeling proposed for use upon or within the retail package do not expressly or by reference to a brochure or other printed matter prescribe, recommend, or suggest the use of such drug under such conditions.

The Food and Drug Administration shall notify the applicant of such nonacceptance and the reason therefor and, in case of incompleteness as to matter required by any clause of section 505 (b), shall specify such clause. Otherwise the date on which an application is received by the Agency shall be considered to be the date on which such application is filed, and the Food and Drug Administration shall notify the applicant of such date. If the applicant withdraws his application, such application shall be considered as not having been filed.

* * * * *

(d) After an application has become effective with respect to a drug the applicant may file a supplemental application with respect thereto setting forth any proposed change in the conditions under which such drug is to be used, in the labeling thereof, in any circumstance relating to its production, or in any other information contained in the effective application. Such supplemental application may omit statements made in the effective application concerning which no change is proposed.

2. By adding to such regulations a new section (relating to section 505 (d) of the act) as follows:

§ 2.112 *Insufficient information in application.* The information contained in an application may be insufficient for the Administrator to determine whether a drug is safe for use if it fails to include (among other things) a statement showing whether the drug is to be exempt under any provision of regulation § 2.106, as amended, promulgated pursuant to section 502 (f) of the act, from the requirement that its labeling bear adequate directions for use. If the drug is to be so exempt the information may also be insufficient if:

(1) The specimen label of the drug fails to incorporate by reference a specifically identified brochure or other printed matter containing information

adequate for the use of such drug by physicians, dentists, or veterinarians, as the case may be;

(2) Such label fails to state that the drug is to be used as shown in such brochure or printed matter and that such brochure or printed matter will be sent to physicians, dentists, or veterinarians, as the case may be, on request;

(3) The application fails to contain copies of such brochure or printed matter; or

(4) The application fails to show that such brochure or printed matter is readily available to physicians, dentists, or veterinarians, as the case may be, or if not that it is to be made so when the application becomes effective.

3. By adding to such regulations a new section (relating to section 505 (e) of the act) as follows:

§ 2.113 *Untrue statements in application.* Among the reasons why an application may contain an untrue statement of a material fact are changes in:

(1) Conditions of use prescribed, recommended, or suggested by the applicant for the drug from the conditions of such use stated in the application;

(2) Articles used as components of the drug from those listed in the application;

(3) Composition of the drug from that stated in the application;

(4) Methods used in, or the facilities or controls used for, the manufacture, processing, or packing of the drug from such methods, facilities, and controls described in the application; and

(5) Labeling from the specimens contained in the application.

The amendments to the regulation under section 502 (f) of the act shall become effective one year after the date of publication in the FEDERAL REGISTER. The amendments to the regulations under section 505 of the act shall become effective on the date of publication in the FEDERAL REGISTER.

(Secs. 502 (f), 701 (a); 21 U.S.C. 352 (f), 371 (a))

PAUL V. MCNUTT,
Administrator.

OCTOBER 9, 1944.

[F. R. Doc. 44-15607; Filed, Oct. 9, 1944; 11:13 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Foreign Economic Administration

Subchapter B—Export Control

[Amdt. 237]

PART 804—INDIVIDUAL LICENSES

DIAMOND TOOLS AND JEWELRY

Part 804 *Individual licenses* is hereby amended in the following particulars:

Section 804.7 *Special provisions concerning applications to export certain commodities* is hereby amended by deleting therefrom paragraph (b) *Diamonds, tools and jewelry containing diamonds.*

Section 804.12 *Diamonds and tools incorporating industrial diamonds* is hereby amended by adding to the commodities listed therein the following commodities:

Commodity	*Schedule B No.*
Tools incorporating industrial diamonds:	
Diamond core drills (containing diamonds)	7311.00
Diamond core drill bits, and other mining and quarrying machinery and parts, containing diamonds	7339.00
Diamond disc points, dental, and other dental instruments containing diamonds	9150.00
Penetrators and other parts of hardness testing machines containing diamonds	7740.05

This amendment shall become effective October 15, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: September 25, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-15527; Filed, Oct. 7, 1944; 9:09 a. m.]

[Amdt. 238]

PART 812—LIMITED PRODUCTION LICENSE "LPL"

GENERAL PROVISIONS

Section 812.2 *General provisions* is hereby amended by adding the number 7612.00 to the list of Department of Commerce Schedule B numbers for the commodities to be exported for farm use, including irrigation or drainage purpose.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380; 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: September 29, 1944.

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

[F. R. Doc. 44-15528; Filed, Oct. 7, 1944; 9:09 a. m.]

[Amdt. 239]

PART 801—GENERAL REGULATIONS

PROHIBITED EXPORTATIONS, MISCELLANEOUS COMMODITIES

Section 801.2 *Prohibited exportations* is hereby amended in the following particulars: In the column headed "General License Group" the group and country designations assigned to the commodity listed below, at every place where said commodity appears in said section, is hereby amended to read as follows:

Commodity	Department of Commerce No.	General license group
Agricultural implements:		
Sprayers, small, for garden and household use (valued at less than $2) (for insecticides and disinfectants)	7809.00	K
Aluminum and aluminum alloy products:		
Utensils, table, kitchen and hospital	6307.00	K
Cycles and parts:		
Bicycle parts and accessories (report tires in 2064.00)	7953.00	K
Electrical machinery and apparatus:		
Heating devices and parts, industrial, other (include commercial cooking ranges)	7074.90	-------
Parts for electric space heaters, immersion water heaters, hotel toasters, ranges, electric steam chef cookers and other commercial cooking devices	7074.90	K
Other heating devices and parts, industrial, n. e. s.	7074.90	None
Lighting fixtures and parts, interior, fluorescent	7096.01	-------
Floor lamps, desk lamps, table lamps, vanity lamps, and other portable lamps and parts	7096.01	K
Other lighting fixtures and parts, interior, fluorescent	7096.01	None
Lighting fixtures and parts, interior, all types except fluorescent	7096.98	-------
Floor lamps, desk lamps, table lamps, vanity lamps and other portable lamps and parts	7096.98	K
Other lighting fixtures and parts, interior, all types except fluorescent	7096.98	None
Refrigerator parts (include cabinets, motors, coils)	7059.00	-------
Commercial refrigerator parts	7059.00	None
Household refrigerator parts	7059.00	K
Vacuum cleaner parts, electric, domestic	7069.30	K
Washing machine parts, electric, household	7068.30	K
Industrial machinery:		
Cotton gins, cotton presses and parts	7671.00	-------
Cotton gins and cotton presses	7671.00	K
Parts	7671.00	None
Paper converting machinery and parts	7628.00	-------
Stencil cutting machines and parts	7628.00	K
Other paper converting machinery and parts	7628.00	None
Machinery and parts, industrial, n. e. s. (include industrial automatic coal burners and stokers)	7750.98	-------
Coil winding machines, incandescent lamp	7750.98	K
Tanning machinery and parts	7750.98	-------
Tanning machinery	7750.98	K
Parts	7750.98	None
Textile machinery and parts, n. e. s. (include bag folding machinery, button making machinery, hat making machinery and linoleum and felt base machinery	7750.98	-------
Textile machinery, n. e. s.	7750.98	K
Parts	7750.98	None
Machinery and parts, industrial, n. e. s.	7750.98	None
Iron and steel manufacturers—furniture and fixtures:		
Bank vaults, doors and interior equipment (include burglary resistive chests and safes, not insulated)	6134.00	K
Fire resistive safes and vault doors (insulated)	6133.50	K
Other metal furniture and parts, whether or not upholstered (include garden furniture metal and lawn and porch swings, chief value of metal)	6137.00	K
Other office and store furniture, fixtures and parts	6135.00	K
Sheet-metal filing cases with exposed drawers (insulated)	6132.50	K
Sheet-metal filing cases with exposed drawers (not insulated)	6131.00	K
Sheet-metal shelving and wall bins (report wood bins in 4299.00)	6130.00	-------
Ash, coal, or coke bins	6130.00	None
Construction material bins	6130.00	None
Grain bins, commercial	6130.00	None
Grain bins, farm	6130.00	None
X-ray film loading bins	6130.00	None
Sheet-metal shelving and other bins	6130.00	K
Sheet-metal storage cabinets, medicine cabinets and lockers	6129.00	K

Commodity	Department of Commerce No.	General license group
Iron and steel manufactures—hardware:		
Hardware, other	6188.00	-------
Coffee mills, pepper mills, and corn mill grinders, hand	6188.00	K
Steel drapery hooks, rod rings, pole sets, curtain rods and tassels	6188.00	K
Other hardware, n. e. s.	6199.00	None
Iron and steel manufactures—miscellaneous:		
Other needles (except sewing machine, phonograph and surgical	6190.00	-------
Knitting machine needles	6190.00	None
Other needles, n. e. s.	6190.00	K
Iron and steel manufactures, other (include bottle openers, hand bottle cappers, sheet steel ware, steel stampings)	6209.98	-------
Bottle openers and cappers, hand	6209.98	K
Cake covers, frying pans, nested steelware, soup spoons, tablespoons, teaspoons and other kitchen and household utensils, n. e. s.	6209.98	K
Canteens and parts, cash boxes, caskets, ice creepers, money change carriers, name plates and washboards	6209.98	K
Flatirons and sadirons, non-electric, and parts	6209.98	K
Repair parts for scales and balances other than automatic scales and precision and laboratory balances and weights	6209.98	K
Stencils	6209.98	K
Other iron and steel manufactures, n. e. s.	6209.98	None
Lamps and illuminating devices, non-electric:		
Gasoline pressure lamps, lanterns and parts	9793.00	-------
Gasoline pressure lamps and lanterns	9793.00	None
Parts	9793.00	K
Other lighting devices and parts except glass and electric	9799.00	-------
Lamp burners	9799.00	None
Parts for miners' lamps and lanterns, and carbide and acetylene lamps and lanterns	9799.00	None
Other lighting devices and parts, n. e. s. (except glass and electric)	9799.00	K
Medicinal and pharmaceutical preparations: Mineral oil, white	8113.00	V-4
Miscellaneous, n. e. s.:		
Bottle and container closures, n. e. s. (include all kinds, except cork, glass and rubber stoppers)	9680.00	-------
Metal beverage crowns	9680.00	None
Other bottle and container closures, n. e. s.	9680.00	K
Candles	9832.00	K
Fishing tackle and equipment suitable only for commercial fishing	9849.00	K
Thermostatic bottles, carafes, jars, jugs and other thermostatic containers	9685.01	K
Thermostatic container parts	9685.09	K
Office appliances:		
Other office appliances and parts (include dictating, mailing, letter-opening and numbering machines and check protectors and writers)	7779.00	-------
Check protector ribbons, date stamping machines and parts, file punches, Lin-a-time machines, numbering machines and parts, not coin-operated, ticket punches and parts	7779.00	K
Other office appliances and parts, n. e. s.	7779.00	None
Petroleum products:		
Black lubricating oils (not including high or medium viscosity index aviation lubricating oil)	5034.00	V-4
Light lubricating oil in small packages	5039.00	V-4
Lubricating greases	5041.00	V-4
Photographic and projection goods:		
Studio, photoengraving, coin-operated and similar types of cameras for professional, scientific, or commercial uses	9002.38	-------
Photoengraving cameras	9002.38	None
Other studio, coin-operated and similar types of cameras for professional, scientific or commercial uses	9002.38	K
Precious metals and plated ware except jewelry:		
Silver plated knives, forks, and steak sets (report iron and steel table cutlery in 6115.00)	6958.00	K
Silver plated ware, other, including tableware, flatware, ornamental silverware and manufactures, n. e. s.	6959.00	K
Sterling and other solid silverware, knives, forks and steak sets	6955.00	K
Sterling and other solid silverware; other, including tableware, ornamental silverware, silver solder and manufactures, n. e. s.	6956.00	-------
Silver solder and silver base brazing alloy	6956.00	None
Other sterling and solid silverware, n. e. s.	6956.00	K
Textile, sewing, and shoe machinery:		
Beaming, warping, and slashing machinery and parts	7542.00	-------
Beaming, warping, and slashing machinery	7542.00	K
Parts	7542.00	None
Braiding and insulating machines and parts	7540.00	-------
Braiding machines	7540.00	K
Insulating machines	7540.00	None
Parts for braiding and insulating machines	7540.00	None
Carding and other preparing, spinning, and twisting machinery and parts, for cotton	7506.00	-------
Carding and other preparing, spinning, and twisting machinery, for cotton	7506.00	K
Parts	7506.00	None
Carding and other preparing, spinning, and twisting machinery and parts, for wool	7507.00	-------
Carding and other preparing, spinning, and twisting machinery, for wool	7507.00	K
Parts	7507.00	None
Carding, and other preparing, spinning and twisting machinery and parts, other, including silk throwing machinery and parts	7508.00	-------
Carding, and other preparing, spinning and twisting machinery, other	7508.00	K
Parts	7508.00	None
Dyeing and finishing machines and parts (report dyeing machines, dry cleaning in 7738.00)	7544.00	-------
Dyeing and finishing machines	7544.00	K
Parts	7544.00	None
Knitting machines, circular hosiery, power driven	7501.00	K
Knitting machines, circular, all others	7502.00	K
Knitting machines, full-fashioned hosiery, power driven	7500.00	K
Knitting machines, all others, and parts	7504.00	-------
Knitting machines, other	7504.00	K
Parts for all knitting machines	7504.00	None
Looms, cotton	7515.00	K
Looms, other (except cotton)	7516.00	K
Looms, parts for	7517.00	None
Sewing machinery, industrial	7552.00	K
Sewing machine parts for factory or industrial use	7553.05	None
Shoe manufacturing and repairing machinery and parts (report shoe machinery in 7552.00)	7575.00	-------
Shoe manufacturing and repairing machinery	7575.00	K
Parts	7575.00	None
Textile machinery and parts, all other	7549.00	-------
Textile machinery, other	7549.00	K
Parts	7549.00	None
Winders and parts, textile machinery	7505.00	-------
Winders, textile machinery	7505.00	K
Parts, winder, textile machinery	7505.00	None.
Vegetables and Preparations: Potatoes, white	1211.00	None

Shipments of the commodity "potatoes, white" which were on dock, on lighter, laden aboard the exporting carrier or in transit to a port of exit pursuant to an actual order for export prior to the effective date of this amendment may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions.

This amendment shall become effective immediately upon publication except with respect to "potatoes, white" as to which it shall become effective October 13, 1944.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 238, 77th Cong.; Pub. Law 397, 78th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

S. H. LEBENSBURGER,
Director,
Requirements and Supply Branch,
Bureau of Supplies.

Dated: October 2, 1944.

[F. R. Doc. 44-15526; Filed, Oct. 7, 1944; 9:09 a. m.]

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 3274—MACHINE TOOLS AND INDUSTRIAL SPECIALTIES

[General Preference Order E-5-a, Revocation]

GAGES AND PRECISION MEASURING HAND TOOLS

Section 3274.41 *General Preference Order E-5-a* is hereby revoked. This action shall not be construed to affect in any way any liability or penalty accrued or incurred under said General Preference Order E-5-a.

Issued this 6th day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15495; Filed, Oct. 6, 1944; 2:56 p. m.]

PART 3114—SIMPLIFICATION AND STANDARDIZATION OF PORTABLE TOOLS, CHUCKING EQUIPMENT, MECHANIC'S HAND SERVICE TOOLS, FILES, HACK AND BAND SAWS, VISES, AND MACHINE TOOL ACCESSORIES

[Limitation Order L-216, Revocation of Schedule V]

FILES

Correction

The FEDERAL REGISTER serial number for the document appearing on page

12202 of the issue for Saturday, October 7, 1944, should read: "F. R. Doc. 44-15488".

PART 3017—BLACKOUT AND DIMOUT LIGHTING FIXTURES

[General Limitation Order L-168, Revocation]

Section 3017.1 *General Limitation Order L-168* is hereby revoked. This revocation does not affect any liabilities incurred under the order.

Issued this 7th day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15550; Filed, Oct. 7, 1944; 11:32 a. m.]

PART 3278—SALVAGE

[Conservation Order M-325, Direction 1]

REVOCATION OF CERTAIN AUTHORIZATIONS

The following direction is issued pursuant to Conservation Order M-325:

Notwithstanding any prior authorization granted by the War Production Board under Conservation Order M-325, no person shall deliver or accept delivery of any tinned scrap, including used tin cans, where such authorization specifies that the tinned scrap is to be used in the manufacture of bottle caps or crowns. Under Order L-103-b, as amended, inventories of tinned scrap in the possession of a holder of an authorization on September 28, 1944, may be used in the manufacture of bottle caps or crowns up to January 1, 1945, and all deliveries of tinned scrap necessary to such manufacture are hereby authorized.

All authorizations issued under paragraph (b) (2), (b) (3) or (b) (4) of Order M-325, permitting the delivery or acceptance of delivery of any form of tinned scrap to be used in the manufacture of bottle caps or crowns, are revoked.

This direction does not prevent any person from assisting in the collection of used tin cans as agent for or in cooperation with an official salvage committee, municipality or other organization engaged in the collection of such cans. None of the cans so collected may, however, be used in or delivered for the manufacture of bottle caps or crowns.

Issued this 7th day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15552; Filed, Oct. 7, 1944; 11:32 a. m.]

PART 3289—RADIO AND RADAR DIVISION

[General Limitation Order L-265 as Amended Oct. 7, 1944]

ELECTRONIC EQUIPMENT

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account, and for export, of electronic equipment; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3289.31 *General Limitation Order L-265*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of individuals whether incorporated or not.

(2) "Manufacture" means produce, fabricate or assemble electronic equipment, or perform any act or operation upon electronic equipment so as to modify or convert it from one to another type, use or mode of operation, but shall not include acts incidental to the maintenance or repair of electronic equipment.

(3) "Electronic equipment" means any electrical apparatus or device involving the use of vacuum or gaseous tubes and any associated or supplementary device, apparatus or component part therefor, and shall include any acoustic phonograph and component parts therefor. The term shall not include:

(i) Hearing aid devices;

(ii) Wire telephone and telegraph equipment;

(iii) Electric batteries;

(iv) Power and light equipment;

(v) Medical, therapeutic, x-ray and fluoroscopic equipment other than replacement electron tubes therefor;

(vi) Phonograph records and needles;

(vii) Automotive maintenance equipment as defined in Limitation Order L-270;

(viii) Incandescent, fluorescent and other electric discharge lamps, as defined in Limitation Order L-28; and rectifier tubes, as defined in Limitation Order L-264.

(4) "Preferred order" means any order for delivery to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, the Veterans' Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, Defense Supplies Corporation, Metals Reserve Company, any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), or any order bearing a preference rating of AA-4 or higher.

(5) "Transfer" means sell, lease, trade, give, deliver, or physically transfer in any way so as thereby to make available for the use of a person other than the transferor, but shall not include the transfer of electronic equipment by one person to another person for repair or storage thereof nor the return of such equipment to the owner thereof (or his agent).

(6) "Producer" means any person to the extent engaged in the manufacture of electronic equipment for transfer or for commercial use.

(7) "Supplier" means any person to the extent that his business consists in whole or in part of the sale, distribution or transfer from stock or inventory of electronic equipment, and includes wholesalers, distributors, jobbers, dealers, retailers, servicemen, branch warehouses or other distribution outlets controlled by producers and other persons performing a similar function.

(8) "Consumer" means any person who owns, operates or purchases electronic equipment for his own use.

(b) *Restrictions.* (1) No producer shall manufacture any electronic equipment except:

(i) To fill preferred orders, or

(ii) To fulfill, under the Controlled Materials Plan, an authorized production schedule or authorized program, as defined in CMP Regulation 1.

(2) No producer or supplier (other than Defense Supplies Corporation) shall transfer any electronic equipment to any consumer, nor shall any consumer accept the transfer of any electronic equipment from any producer or supplier (other than Defense Supplies Corporation) except:

(i) To fill preferred orders, or

(ii) To fill orders bearing a preference rating of A-1-a or higher, or

(iii) To fill an order for any component part of electronic equipment provided the consumer delivers to the producer or supplier concurrently with the transfer a used, defective or exhausted part of similar kind and size which cannot be repaired or reconditioned; or, when circumstances render the delivery of a part for a part impractical, provided the consumer's purchase order (or written confirmation thereof) is accompanied by a certificate in substantially the following form signed by the consumer:

CONSUMER'S CERTIFICATE

I hereby certify that the part(s) specified on this order are essential for presently needed repair of electronic equipment which I own or operate.

Signature and Date

(3) No producer or supplier shall transfer any electronic equipment to any supplier, nor shall any supplier accept the transfer of any electronic equipment from any producer or supplier, except:

(i) To fill preferred orders, or

(ii) To fill orders bearing a preference rating of A-1-a or higher or

(iii) To fill an order for component parts of electronic equipment required by the receiving supplier for the repair of electronic equipment then in his possession, or to replace in the inventory of the receiving supplier parts similar in kind and equal in number which have been delivered on or after the 24th day of April 1943 by the receiving supplier to consumers against defective or exhausted parts or consumer's certificates, or to other suppliers against supplier's certificates, as specified in this order; provided the purchase order is accompanied by a certificate in substantially the following form signed by the receiving supplier:

SUPPLIER'S CERTIFICATE

I hereby certify that I am entitled to purchase the items specified on the accompanying purchase order under the provisions of Limitation Order L-265, with the terms of which I am familiar.

Signature and Date

The producer or supplier to whom the above certificate is furnished shall be entitled to rely thereon as evidence that

the purchase order is within the provisions of this paragraph (b) (3) (iii), unless he has knowledge or reason to believe that it is false.

(4) No producer or supplier shall retain in his inventory, possession or control, for more than sixty (60) days, any used, defective, exhausted or condemned parts which cannot be reconditioned; but must dispose of them for salvage where practical, or destroy such parts as have no practical salvage value.

(5) After June 30, 1943, no person shall mark radio receiving type tubes with the symbol "MR" except when authorized or directed to do so by the War Production Board. No person shall use radio receiving type tubes which are marked "MR" in the manufacture of electronic equipment to fill any preferred order. No person shall transfer or accept the transfer of such tubes on any preferred order or any other order bearing a preference rating, except rated purchase orders for export. No producer shall transfer for export in any calendar quarter a quantity in excess of fifteen (15%) percent of his production of such tubes during that calendar quarter. Producers of such tubes may transfer them to each other without restriction.

(c) *Exceptions.* (1) The provisions of this order shall not apply:

(i) To the transfer of any finished product of the following kinds which was produced and designed for home use and the manufacture of which was completed on or before the 24th day of April 1943, to wit: radio receiving sets; phonographs and record players; sound motion picture projectors.

(ii) To transfers of electronic equipment which transfers are made on or before the 23d day of June 1943 pursuant to purchase orders placed prior to the 24th day of April 1943.

(iii) To the lease of electronic equipment to any person by any person: *Provided*, That the lessor was actually engaged in the leasing of such equipment as a normal incident and part of his established business prior to the 24th day of April 1943.

(iv) To the transfer of any finished product of the following kinds, the manufacture of which was completed on or before the 24th day of April 1943: automobile radio receiving sets designed for the reception of standard broadcasts; automatic phonographs as defined in Limitation Order L-21.

(v) To transfers of radio antennae; antenna couplers; power supplies and battery cables for battery type home radio receivers; automobile radio control assemblies, loudspeakers and cables; electric fence excitors; or musical instruments (other than phonographs and radios) which involve the use of vacuum or gaseous tubes and the manufacture of which was completed on or before the 24th day of April 1943.

(vi) To gratuitous transfers of electronic equipment to or for the account of War Emergency Radio Service by any person; and to the manufacture or transfer of electronic equipment for the account of War Emergency Radio Service by any individual who is not a commercial producer or supplier of electronic equipment.

(vii) To transfers of blank recording discs and cutting styli.

(2) The War Production Board may from time to time specifically authorize in writing exceptions to the provisions and restrictions of paragraphs (b) (2) and (b) (3) hereof.

(d) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board as amended from time to time.

(e) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(f) *Violations.* Any person who wilfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priorities control and may be deprived of priorities assistance.

(g) *Communications.* All reports to be filed, appeals and other communications, concerning this order, should be addressed to War Production Board, Radio and Radar Division, Washington 25, D. C., Ref: L-265.

Forms printed in the Federal Register are for information only, and do not follow the exact format prescribed by the issuing agency.

Issued this 7th day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

RADIO CABINETS AND RADIO RECEIVING SETS

(1) Radio cabinets, regardless of the material from which made, are included within the definition of "electronic equipment", in paragraph (a) (3) of the order; and are subject, therefore, to all of the provisions of the order. A radio cabinet is any type of cabinet designed to contain a radio, even though other things may also be contained in it.

(2) Paragraph (c) (1) (i) provides in part that the provisions of the order do not apply to the transfer of "radio receiving sets" which were produced and designed for home use and which were completely manufactured on or before April 24, 1943. There seems to exist on the part of some persons the erroneous impression that if a set was partly assembled or almost complete on or before April 24, 1943, it could be finished and transferred free of the restrictions of the order. Some persons have even taken the position that if parts were on hand on April 24, 1943, their assembly into a set and its transfer thereafter were not subject to the provisions of the order. Both such ideas are definitely mistaken. The term "radio receiving set", as used in paragraph (c) (1) (i), means a home radio receiver which was completely assembled (including cabinet installation), and ready for operation on or before April 24, 1943. If any part (such as cabinet, speaker, or transformers, etc.) has been added or has to be added to the set since that date and before its transfer, then its transfer is not exempt from the provisions of the order. [Issued Mar. 30, 1944.]

INTERPRETATION 2

LABORATORY RESEARCH AND DEVELOPMENT; RELATION OF PREFERENCE RATING ORDER P-43 AND GENERAL LIMITATION ORDER L-265

The restrictions of paragraph (b) (1) of Order L-265 on manufacture apply to persons only to the extent that they are "engaged in the manufacture of electronic equipment for transfer or for commercial use". A person who gets materials with the priorities assistance given by Order P-43 may use those materials to make experimental electronic equipment for his own use without regard to the restrictions of paragraph (b) (1) of Order L-265. If he makes experimental electronic equipment for transfer or for commercial use he must do so only within the limits of paragraph (b) (1) of Order L-265. In all cases where he gets and uses materials with the priorities assistance of Order P-43, he must comply with all the provisions of Order P-43. [Issued April 28, 1944.]

INTERPRETATION 3

STATUS OF CERTIFICATE ORDERS

Purchase orders accompanied by either the "Consumer's Certificate" or the "Supplier's Certificate" specified in Order L-265 carry no priority by virtue of the certificate. They are unrated orders, and they must not be filled, therefore, to the prejudice of required deliveries on rated orders. The fact that a certificate order was placed earlier than a rated order does not give it any kind of preference. Shipments on certificate orders cannot be made to any extent that they will prevent or interfere with required shipments on rated orders. Furthermore, certificate orders do not give rise to any preference ratings. Ratings cannot be applied or extended by suppliers simply on the basis of certificate orders on hand. [Issued Aug. 22, 1944.]

[F. R. Doc. 44-15551; Filed, Oct. 7, 1944; 11:32 a. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[General Conservation Order M-310, General Direction 8 as Amended Oct. 7, 1944]

RELEASE OF CERTAIN SCHEDULE B RESTRICTIONS DURING OCTOBER, 1944

The following amended direction is issued pursuant to General Conservation Order M-310:

During October 1944, sole cutters shall not be bound by Blocks IIA and IIB of Schedule B of General Conservation Order M-310 in cutting bends, to the extent of one-third of the total number of bends cut by them during the months of June, July and August, 1944.

All finders' bends and manufacturers-bends-for repair, and all portions of such bends, must be cut and sold as shown in Blocks IIIA and IIIB of Schedule B to Order M-310, except as required by Individual Direction L-95 to M-310 (relating to lend-lease deliveries) or by orders from the U. S. Navy Ship's Service Department or its stores.

Issued this 7th day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15546; Filed, Oct. 7, 1944; 11:33 a. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[General Conservation Order M-310, General Direction 9 as Amended Oct. 7, 1944]

RELEASE OF CERTAIN GROUP I MILITARY SOLES

The following amended direction is issued pursuant to General Conservation Order M-310:

Notwithstanding paragraph (e) (4) of General Conservation Order M-310, any cutting shoe manufacturer who had on September 1, 1944 more than sufficient Group I military soles cut by him to make all the deliveries required under his military orders for a period of thirty days from said date may release 50 percent of such excess for civilian shoe manufacturing only.

Notwithstanding paragraph (e) (4) of Conservation Order M-310 any sole cutter (except cutting shoe manufacturers) who on September 1, 1944 had more Group I military soles than he required to maintain delivery on his military orders is hereby permitted to sell and deliver such excess for civilian shoe manufacturing only.

Each sole cutter (including cutting shoe manufacturers) shall include in his report on Form WPB-1303 required to be filed on or before October 10, 1944 a statement of the number of soles released by him under this direction.

Issued this 7th day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15547; Filed, Oct. 7, 1944; 11:32 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Supplementary Limitation Order L-7-c, Schedule IX]

DOMESTIC ICE REFRIGERATORS

§ 3291.25 *Schedule IX to Limitation Order L-7-c.* Pursuant to paragraph (b) (2) of Limitation Order L-7-c:

The following production quotas for domestic ice refrigerators are established for the period from October 1, 1944 through December 31, 1944, inclusive. During that period each manufacturer listed is authorized to make the number of domestic ice refrigerators set forth below opposite his name. Manufacturers listed may only make the refrigerators in their own plants at the location set forth opposite their respective names. Manufacturers listed may not make more domestic ice refrigerators than the number opposite their names, even for orders bearing preference ratings. All domestic ice refrigerators made by each manufacturer must be included in the quotas assigned in this schedule.

Company and location	*Units*
American Fixture & Mfg. Co., St. Louis, Mo.	5,000
Arctic Refrigerator Co., Brooklyn, N. Y.	7,000
Atkins Table & Cabinet Co., Brooklyn, N. Y.	5,000
Brunswick Refrigerator Co., Brooklyn, N. Y.	4,000
Craftbilt Cabinets, Burbank, Calif.	2,000
Dratch's Victory Refrigerator Box, Brooklyn, N. Y.	2,500
Fy-Boro Metal Products Co., Brooklyn, N. Y.	6,000
Ice Cooling Appliance Corporation, Morrison, Ill.	18,000
Iceland Refrigerator Co., Brooklyn, N. Y.	5,000
King Refrigerator Corporation, Brooklyn, N. Y.	7,500
Maine Manufacturing Co., Nashua, N. H.	12,000
Modern Refrigerator Works, Glendale, Calif.	3,000
Precision Metal Products Co., Brooklyn, N. Y.	6,000
Sanitary Refrigerator Co., Fond du Lac, Wis.	15,000
Stoddard Manufacturing Co., Mason City, Iowa	1,800
Success Manufacturing Co., Gloucester, Mass.	2,000
Ward Refrigerator & Mfg. Co., Los Angeles, Calif.	15,000

Issued this 7th day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-15548; Filed, Oct. 7, 1944; 11:32 a. m.]

PART 3302—SERVICE EQUIPMENT

[Limitation Order L-29, as Amended Oct. 7, 1944]

METAL SIGNS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote national defense.

§ 3302.1 *General Limitation Order L-29*—(a) *Definitions.* For the purposes of this order:

(1) "Signs" means all devices having an area of more than 36 square inches designed primarily to deliver or convey information, messages or ideas, including (but not limited to) neon tube and other electrical signs, bill-boards, outdoor and highway signs, other than those mentioned in subdivision (iii) of this paragraph (a) (1) name plates, store front signs and indoor signs. "Signs", however, shall not include:

(i) Any type of plate, tag, emblem, insignia or marker which is or may be used by a governmental unit to evidence licensing or registration of any kind and for any purpose;

(ii) Lamps or bulbs for electrical signs, including but not limited to, incandescent and fluorescent lamps and tubes, and neon and all other kinds of tubing used as a source of light;

(iii) All mechanically or electrically operated traffic lights and signals, including but not limited to, warning devices for use on railroads, grade crossings and highways;

(iv) Any illuminated exit sign of the type commonly required to be installed in public buildings under the fire laws, and bearing no advertising matter.

(2) "Metals" means all ferrous and non-ferrous metals except those contained in metallic paint.

(3) "Metal signs" means signs, into the physical composition of which any metals are incorporated: *Provided*, That the weight of metals contained therein shall amount to at least 5 percent of the weight of the sign.

(4) "Accessories" means all wiring and other electrical equipment (other than lamps or bulbs, including but not limited to, incandescent and fluorescent lamps and tubes, and neon and all other kinds of tubing used as a source of light) and frames, hanging brackets, stands, poles, booms, and other supporting devices designed primarily for use with signs.

(5) "New accessories" means any accessories which have never been used with a sign.

(6) "Manufacturer" means any person who is customarily engaged in the business of producing metal signs and/or accessories.

(7) "To use" material means to put that material into production for the first time.

(8) [Deleted Oct. 7, 1944.]

(b) *General restrictions.* (1) [Deleted Oct. 7, 1944.]

(2) [Deleted Oct. 7, 1944.]

(3) No manufacturer shall use any metals in the production of metal signs or accessories except:

(i) Aluminum;

(ii) Magnesium; or

(iii) Iron or steel (including galvanized) which was in his inventory on October 7, 1944, or which he obtains from frozen, idle or excess inventories.

(4) Any person affected by this order shall sell material in his inventory only in accordance with the provisions of Priorities Regulation No. 13 (Part 944) and all other applicable orders and regulations.

(c) [Deleted Oct. 7, 1944.]

(d) [Deleted Oct. 7, 1944.]

(e) [Deleted Oct. 7, 1944.]

(f) [Deleted Oct. 7, 1944.]

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Exceptions and appeals.*—(1) *Production under Priorities Regulation 25.* Any person who, in the production of metal signs or accessories, wants to use iron or steel not permitted under paragraph (b) (3) or who wants to use any other metals beside aluminum or magnesium, may apply for permission to

do so as explained in Priorities Regulation 25.

(2) *Appeals.* Any appeal from the provisions of this order other than the restrictions of paragraph (b) (3) shall be made by filing Form WPB–1477 with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. No appeal should be filed from the provisions of paragraph (b) (3).

(i) *Applicability of other orders.* Insofar as any other order issued, or to be issued hereafter, limits the use of any material in the production and installation of metal signs and/or accessories to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(j) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(k) *Communications.* All communications concerning this order, except appeals, should, unless otherwise directed, be addressed to the War Production Board, Service Equipment Division, Washington 25, D. C., Ref: L–29.

Issued this 7th day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

INTERPRETATION 1

USE OF METAL IN METAL SIGNS AND ACCESSORIES

The provisions of paragraph (b) (3) of Order L–29 prohibit any manufacturer from using metal to produce metal signs or accessories. However, because of the definition in paragraph (a) (7) of the order, the use of metal is restricted only when it is subjected to sign manufacturing operations for the first time. Therefore, Order L–29 does not prohibit using fabricated metal parts and materials in manufacturing metal signs and accessories if they were fabricated for that purpose, but it does prohibit both the use of unfabricated metals and the use of parts or materials which were manufactured for other purposes or for general use. For example, a manufacturer of metal street markers may have in his inventory a supply of sheet metal. Some of that stock may be in the form it was originally purchased from the mill or warehouse, while some may have been stamped, cut to size, punched, or enameled as a step in the manufacturing of street markers. Order L–29 forbids him to use the stock which has not been processed beyond its basic form, but does not restrict his use of the stock which has been partially processed to make street markers. This same manufacturer may also have a stock of ordinary joining hardware (such as screws, nuts and bolts), sign accessories, and some other products made for use in the production and assembly of metal street markers. So far as Order L–29 is concerned, he may use both the accessories, and the products which were made for the production of street markers. He may not use the ordinary screws, nuts and bolts because they were manufactured for general use and have not yet been put into the production of signs.

Furthermore, L–29 does not limit the reuse of metal salvaged from old signs and accessories. It does not matter whether the person who reuses the metal is the same person who originally made the old signs, or someone else.

The restriction on the use of metal in paragraph (b) (3) of Order L–29 relates only to the production of metal signs or accessories and not to other activities of sign manufacturers, such as maintenance, repair, relocation and installation of signs or accessories. For instance, mere repair of a metal sign or accessory is not production; therefore, Order L–29 does not forbid the use of metal for repair purposes. Similarly, installation, such as putting up a sign, or putting an accessory in place, is not considered production and so far as Order L–29 is concerned, metal may be used on the site in the course of installation. It makes no difference whether the person who installs the sign or accessory is also the person who produced it.[1] The use of metal in the alteration of a sign is also not restricted by Order L–29 unless the alteration is so extensive that it results in the production of a new sign.

In accordance with § 944.10 of Priorities Regulation No. 1, other orders of the War Production Board may also limit the production of metal signs and accessories and may restrict them in other ways. If more than one order is applicable to the same subject matter, the most restrictive provision or combination of provisions governs. [Issued May 13, 1944.]

[F. R. Doc. 44–15549; Filed, Oct. 7, 1944; 11:32 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–633]

J. C. MEYERS

J. C. Meyers of 305 West Webber Avenue, Stockton, California, is a general building contractor. In the spring of 1944, he began and thereafter completed the construction of a cold storage locker room in a retail meat store located at 608 East Minor Avenue, Stockton, California, and occupied by the Independent Meat Company, without authorization from the War Production Board. The cost of this construction was in excess of $2,000, which amount exceeded the limit of $200 permitted by Conservation Order L–41, and was in violation of that order. J. C. Meyers was aware of War Production Board restrictions on construction and his failure to familiarize himself with the provisions of General Conservation Order L–41 constituted a grossly negligent violation of that order.

This violation of Conservation Order L–41 has diverted critical materials to uses not authorized by the War Production Board, and has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.633 *Suspension Order No. S–633.* (a) Deliveries of material to J. C. Meyers, his successors or assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned, applied or extended to such deliveries by means of preference rating certificates, preference rating orders, general preference orders or any other orders or regulations of the War Production Board, unless hereafter specifically authorized in writing by the War Production Board.

(b) The provisions of this suspension order shall not apply to deliveries to J. C. Meyers, his successors and assigns, of materials required to fill contracts already entered into prior to the date of this order, or to fill any order of or contract with the Army, Navy, Maritime Commission, or any other governmental department or agency of the United States.

(c) Nothing contained in this order shall be deemed to relieve J. C. Meyers, his successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on October 7, 1944, and shall expire on December 7, 1944.

Issued this 27th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–15576; Filed, Oct. 7, 1944; 3:50 p. m.]

PART 3290—TEXTILE CLOTHING AND LEATHER

[General Conservation Order M–310, General Direction 1, as Amended Oct. 9, 1944]

CHANGE IN PERCENTAGE OF MANUFACTURERS' BENDS TO BE SET ASIDE

General Direction 1 to General Conservation Order M–310 is hereby amended to read as follows:

The percentage of manufacturers' bends to be set aside under paragraph (e) (2) is changed to 12% beginning with October 1944.

Issued this 9th day of October 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–15623; Filed, Oct. 9, 1944; 11:29 a. m.]

Chapter XI—Office of Price Administration

PART 1396—FINE CHEMICALS, DRUGS AND COSMETICS

[MPR 472,[1] Amdt. 5]

CERTAIN ESSENTIAL OILS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 472 is amended in the following respects:

[1] For awhile there was a restriction in L–29 on the use of iron and steel for the installation of metal signs and new accessories, but this was effective only from March 25, 1942, to June 30, 1942.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 13126; 9 F.R. 3426, 4197, 6710, 11851.

1. Section 1 is amended by adding the following oil to the commodities listed therein:

Oil of wormseed.

2. Section 7 is amended by substituting "Appendices A, B, C and D" for "Appendices A, B and C" wherever it appears.

3. Section 11 (a) (5) is amended by the addition of the following:

(iii) In the case of oil of wormseed, a person who sells oil of wormseed distilled from plants grown by him.

4. Section 11 (a) (6) is amended by the addition of the following:

(vi) In the case of oil of wormseed, any seller thereof other than a producer or drug wholesaler.

5. Section 11 (a) is amended by the addition of the following definition:

(12) "Oil of wormseed" means Oil of Chenopodium U. S. P. and all other types and grades of oil of wormseed (chenopodium).

6. Appendix D is added to read as follows:

APPENDIX D—MAXIMUM PRICES FOR OIL OF WORMSEED

(a) *Sales by producers.* The maximum price for sales by producers of oil of wormseed in any quantity and any container, f. o. b. producer's shipping point, shall be $4.50 per pound.

(b) *Sales by dealers*—(1) *To other dealers.* The maximum price per pound for sales by dealers to other dealers of oil of wormseed in any quantity and any container, f. o. b. seller's shipping point, shall be $4.72 per pound.

(2) *To industrial users or drug wholesalers.* The maximum price per pound for sales by dealers to industrial users or drug wholesalers shall be:

Quantity per container	Sales by dealers	
	Per pound	Per package
Over 50 pounds	$5.00	
50 pounds	5.03	
25 pounds	5.05	
10 pounds	5.06	
5 pounds	5.08	
1 pound	5.15	
8 ounces	5.20	$2.60
4 ounces	5.32	1.33
1 ounce	5.64	.3525

The quantities specified above refer to the quantity contained in a single container. It shall be an evasion of the regulation, however, for a seller to require a buyer to purchase a given quantity in a number of small containers in order to obtain a higher price.

Where the container in which the oil is sold contains a quantity not specifically listed, the price which is applicable is the price for a sale in the next larger quantity which is specifically listed.

Each dealer shall apply to the maximum prices listed above the same credit terms and practices relating to the payment of freight charges and other transportation costs as were in effect during the year 1942 on his sales of oil of wormseed.

(c) *Sales by producer-dealers.* Where a person is a dealer and sells not only oils produced by others but also oils produced by himself, the maximum prices established in paragraph (a) above for producers shall apply to his sales of oil of wormseed that he produces himself. The maximum prices established in paragraph (b) above for dealers shall apply to his sales of the oil produced by others.

(d) *Sales by drug wholesalers.*

Quantity per container:	*Sales by drug wholesalers, per pkg.*
5 pounds and over	$5.85
1 pound	6.70
8 ounces	3.38
4 ounces	1.73
1 ounce	.46

The quantities specified above refer to the quantity contained in a single container. It shall be an evasion of the regulation, however, for a seller to require a buyer to purchase a given quantity in a number of small containers in order to obtain a higher price.

Where the container in which the oil is sold contains a quantity not specifically listed, the price which is applicable is the price for a sale in the next larger quantity which is specifically listed.

Each drug wholesaler shall apply to the maximum prices listed above the same credit terms and practices relating to the payment of freight charges and other transportation costs as were in effect during the year 1942 on his sales of oil of wormseed.

This amendment shall become effective October 6, 1944.

Issued this 6th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15513; Filed, Oct. 6, 1944; 4:05 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426, Amdt. 59]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

Correction

In F.R. Doc. 44-15411, appearing at page 12208 of the issue for Saturday, October 7, 1944, the parenthetical reference in Column 3 of the amendment to Table A should read: "(see paragraph (b) (3))."

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RMPR 257,[1] Amdt. 3]

PULPWOOD PRODUCED IN THE STATES OF MINNESOTA, MICHIGAN AND WISCONSIN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 257 is amended in the following respect:

In Appendix A (a) (1), the table of prices is amended to read as follows:

Species	Rough	Peeled or rossed
Spruce wood	$15.00	$18.00
	[2] 15.90	[2] 19.10
Balsam wood	13.00	16.00
	[2] 13.80	[2] 17.00
Jack pine wood	11.50	14.00
Hemlock wood	11.00	13.50
Poplar wood	9.00	11.50
	[2] 10.25	[2] 13.25
White birch wood	9.00	11.50

[1] For 133 cubic feet of properly piled wood in 50" lengths produced in Cook County of the State of Minnesota.

[2] For 147 cubic feet of properly piled wood in 55" lengths.

This amendment shall become effective October 12, 1944.

Issued this 7th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15560; Filed, Oct. 7, 1944; 11:49 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1, Amdt. 3 to Supp. 7]

PACKED FRUITS, BERRIES AND VEGETABLES OF THE 1944 AND LATER PACKS

Correction

In F. R. Doc. 44-12758, appearing at page 10356 of the issue for Friday, August 25, 1944, the dollar signs in Table 5 should be deleted.

PART 1367—FERTILIZERS

[RMPR 386]

AGRICULTURAL LIMING MATERIALS

Maximum Price Regulation 386 is redesignated Revised Maximum Price Regulation 386 and is revised and amended to read as set forth herein. Revised Maximum Price Regulation 386 establishes maximum prices for sellers of agricultural liming materials.

In the judgment of the Price Administrator, the maximum prices established by this revised regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders 9250 and 9328. So far as practical, the Price Administrator has advised and consulted with the members of the industry affected by this revised regulation.

Such standards and specifications as are used in this revised regulation were, prior to such use, in general use in the industry affected.

A statement of the considerations involved in the issuance of this revised regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.*

REVISED MAXIMUM PRICE REGULATION 386—AGRICULTURAL LIMING MATERIALS

ARTICLE I—SCOPE AND MISCELLANEOUS PROVISIONS OF THE REGULATION

Sec.

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 11037, 12479; 9 F.R. 5155, 5909.

AUTHORITY: Secs. 1 to 13 inclusive § 1367.-151 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681.

ARTICLE I—SCOPE AND MISCELLANEOUS PROVISIONS OF THE REGULATION

SECTION 1. *Applicability*—(a) *In general.* Except as provided in paragraph (b) of this section with reference to emergency sales to the United States and its agencies and paragraph (c) of this section with reference to export sales, this regulation shall apply to all sales of agricultural liming materials, whether sold for immediate or future delivery, within the District of Columbia and the 48 States of the United States.

(b) *Emergency purchases.* This regulation shall have no application to any purchases by the United States or any of its agencies under such circumstances of emergency as to make immediate delivery imperative and as to render it impossible to secure or unfair to require immediate delivery at the maximum price which would otherwise be applicable if such purchases and deliveries are made pursuant to the provisions of section 4.3 (f) of Revised Supplementary Regulation 1 to the General Maximum Price Regulation, as amended; *Provided, however,* That the Administrator may, by order, waive the reporting of any part of the information required by section 4.3 (f) in connection with a particular purchase or group of purchases upon determining that such information may not reasonably be required under all the circumstances, and he may, in lieu thereof, require the reporting of other information more suited to the circumstances.

(c) *Export sales.* This regulation shall have no application to export sales. The maximum price of such sales shall be determined in accordance with the provisions of the Second Revised Export Price Regulation.

SEC. 2. *Sales at other than maximum prices*—(a) *Prohibition.* Regardless of any contract or obligation, no person shall sell or deliver, and no person, in the course of trade or business, shall buy or receive agricultural liming material at a price above the maximum price established by this regulation for such sale, nor shall any person agree, solicit, offer or attempt to do any of the foregoing. This prohibition, however, is subject to the provision for adjustable pricing contained in paragraph (b) of this section, the exception for emergency purchases by the United States and its agencies contained in paragraph (b) of section 1 and the exception for export sales contained in paragraph (c) of section 1.

(b) *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery, but no person may unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

(c) *Lower prices.* Prices lower than the maximum prices established by this regulation may, of course, be charged or paid.

SEC. 3. *Evasion.* The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to agricultural liming materials, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement or an agreement requiring the buyer to sell any commodity in return, or other trade understanding or by any other means.

SEC. 4. *Transfers of business or stock in trade.* If the business, assets or stock in trade of any business are sold or otherwise transferred after the effective date hereof, and the transferee carries on the business, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over to the transferee all records of transactions prior to the transfer which are necessary to enable the transferee to comply with the record provisions of this section.

SEC. 5. *Records and reports.* (a) Every person who offers, agrees to sell, sells, or delivers agricultural liming materials shall keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942 remains in effect, a complete and accurate record of every such offer, agreement, purchase, sale or delivery.

(b) Persons affected by this regulation shall submit such reports to the Office of Price Administration as it may from time to time require, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SEC. 6. *Enforcement.* Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for damages and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942 as amended.

SEC. 7. *Licensing.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all persons subject to this regulation. A person's license may be suspended for violations of the license or of any one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 8. *Protests, petitions for amendment and applications for adjustment*—(a) *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provision of this regulation may do so in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) *Applications for adjustment.* The Price Administrator may adjust the maximum price established by this regulation for any producer of agricultural liming material who shows in an application for adjustment (1) that there exists a shortage of supply; (2) that his maximum price will not permit him to continue his production of agricultural liming material without subjecting him to substantial hardship; (3) that the loss of the producer's production would force purchasers to resort to higher priced sources of supply; and, (4) that the provision of section 10, Rule 3 of this regulation does not grant him the required measure of relief: *Provided,* That in no instance may the average base period (see section 9 (f)) f. o. b. plant price per ton be increased by an amount in excess of the difference between the production cost per ton during the base period, computed in accordance with the provisions of Rule 3 (i), below, and the similarly computed production cost per ton for the most recent calendar 3-month period. Such an application for adjustment must be filed in accordance with the provisions of Revised Procedural Regulation No. 1.

SEC. 9. *Definitions.* When used in this regulation, the term:

(a) "Person" includes an individual, corporation, partnership, association, or other organized group of persons or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government or any of its political subdivisions or any agency of any of the foregoing.

(b) "Producer" means any person who mines, quarries, crushes, grinds or pulverizes, burns, hydrates, digs or excavates, or in any other manner processes

material containing calcium or calcium and magnesium and offers such for sale as an agricultural liming material.

(c) "Agricultural liming materials" means all of the various kinds and grades of materials containing calcium or calcium and magnesium compounds when sold for spraying or dusting purposes or for use as soil amendments or conditioners including, but not limited to, ground or pulverized limestone, limestone screenings and meal, burned lime, hydrated lime, air-slaked lime, burned or ground mollusk shells, calcareous and dolomitic fertilizer fillers, marl, slag and by-product liming materials such as sugar house lime and acetylene lime waste.

(d) "F. o. b. plant" means loaded on railroad freight car, truck, barge, boat or other conveyance at the point of production.

(e) "Class of purchaser" means functional class such as farmer, trucker, wholesaler, retailer, cooperative association, or Departments or Agencies of the United States Government.

(f) "Base period" means the calendar year 1941, or the producer's fiscal year ending in 1941, or the first full 12-month period subsequent to January 1, 1941 that a producer was engaged in the production and sale of agricultural liming material.

ARTICLE II—MAXIMUM PRICES

SEC. 10. *Sales by producers.* (a) The maximum price which a producer may charge on sales of bulk agricultural liming materials f. o. b. his plant shall be the highest price determined according to Rule 1, Rule 2, or Rule 3 and paragraphs (b) and (c), of this section, as the producer chooses. For sales in bags, Rule 4 shall be used. For sales at stockpile or railroad siding, Rule 5 shall be used. For sales on delivered, or delivered and spread basis, Rule 6 or section 12 shall be used. Prices of new producers shall be determined under section 13 below.

RULE 1. *Maximum prices based on March or April 1942 ceilings.* The maximum price determined according to this rule shall be the highest f. o. b. plant price the producer charged each class of purchaser for the same or similar kind and grade during March or April, 1942. (If a producer had no f. o. b. plant price or no bulk price during this period see paragraph (b) or (c) below.)

RULE 2. *Maximum prices based on AAA awards.* The maximum price calculated according to this rule shall be the f. o. b. plant price at which an award was made to the producer by the Agricultural Adjustment Agency between September 12, 1942, and May 15, 1943. If sales to other classes of purchasers were customarily made at higher or lower prices than such AAA award price, the higher price may be maintained or the lower price shall be maintained as the case may be, by adding to or deducting from such award price the customary dollar-and-cent differential. (If a producer had no f. o. b. plant price or no bulk price during this period see paragraph (b) or (c) below.)

RULE 3. *Maximum prices based on base period average prices.* Instead of following Rule 1 or 2 the producer may calculate a new maximum f. o. b. plant price for bulk material in the following manner:

(i) Compute the cost per ton to produce agricultural liming material during the base period (see section 9 (f)) by adding the applicable items of production cost (such as labor, raw materials, power, heat, maintenance, repair and depreciation of equipment, rentals, insurance, and taxes, except income and excess profits taxes) and dividing the total by the number of tons produced during such period. (If it is impossible for the producer to segregate from his records the production cost of agricultural liming material he may base this calculation upon the entire output of his plant of all lime or limestone materials. In case a producer operates more than one plant he may make the computation for each plant separately or he may combine the applicable data from all his plants into a single computation.)

(ii) Compute the cost per ton to produce bulk agricultural liming material in the manner described under (i) above for the six-month period ending April 30, 1943.

(iii) Subtract the figure obtained under (i) above from the figure obtained under (ii) above and add the difference to the average bulk, f. o. b. plant price during the base period to each class of purchaser. (If a producer had no f. o. b. plant price or no bulk price see paragraph (b) or (c) below.) The amount so added may not exceed either 30 cents per ton or 15% of the lowest average base period price charged to any class of purchaser, whichever is greater.

(iv) Every producer who follows this rule in computing a maximum price shall submit to the Office of Price Administration, Washington, D. C., in writing, the detailed figures upon which his computation is based.

RULE 4. *Maximum prices for sales in bags.* For sales of agricultural liming materials in bags the producer may add to the maximum bulk f. o. b. plant price as otherwise determined hereunder, 25 cents per ton plus a sum not in excess of the established maximum price, at the time of the sale of agricultural liming material, for the bags containing the ton: *Provided*, That, where a producer charged during March or April 1942 a differential for bags and bagging higher than that permitted above, such higher differential may be maintained.

RULE 5. *Maximum prices for sales at stockpiles or railroad sidings.* Where the producer establishes a stockpile at a place other than in the vicinity of his plant, or ships from a railroad siding not in the vicinity of his plant, he may add to the maximum price as otherwise determined hereunder, an amount equal to the actual cost to him of handling and transporting the material from his plant to the stockpile.

RULE 6. *Maximum prices for a delivered or delivered and spread sale.* The producer's maximum price under this rule shall be his applicable f. o. b. plant, stockpile or railroad siding price as otherwise established hereunder, plus and amount equal to his handling and delivery cost, plus his cost of spreading, if any. (For flat delivered price, see section 12 below.)

(b) *Calculation of an f. o. b. plant price from a delivered price.* Where the producer had no f. o. b. plant price to which to apply Rules 1, 2 or 3 above, his f. o. b. plant price shall be calculated by deducting from his delivered, or delivered and spread, price an amount equal to his average cost of delivery, or delivery and spreading, of the agricultural liming materials, during the applicable period. Where the producer's delivered, or delivered and spread, prices varied among delivery areas, he shall calculate his f. o. b. plant price by deducting from such delivered price in the county or political subdivision in which his plant is located, or nearest thereto, an amount equal to his average cost of delivery, or delivery and spreading, of the material in that delivery area, during the applicable period.

(c) *Calculation of a bulk price from a bagged price.* In case a producer had no price for sales of agricultural liming material in bulk he may compute a bulk price by deducting from his bagged price the cost of bags and bagging during the applicable period.

SEC. 11. *Sales by non-producers of agricultural liming materials*—(a) *Sales at wholesale.* The maximum price that may be charged for agricultural liming material when sold by a person who did not produce the material to a person other than the ultimate consumer shall be the sum of the following:

(1) The maximum price that the producer could have charged the seller for the material as determined under section 10, above, plus

(2) The cost to such person of handling and transporting the material to the point of delivery, plus

(3) The customary or average dollar and cents markup over such costs which he charged during the base period (see section 9 (f)).

(b) *Sales at retail.* The maximum price that may be charged for agricultural liming material on sales to the ultimate consumer or a department or agency of the United States Government, when sold by a person (including truckers) who did not produce the material, shall be the sum of the following:

(1) The maximum price that the producer or wholesaler could have charged the seller for the material, plus

(2) The cost to such person of handling, transporting and/or spreading the material, plus

(3) The customary or average dollar and cents markup over such costs which he charged during the base period (see section 9 (f)).

SEC. 12. *Sales at flat prices.* Any seller of agricultural liming materials may charge for deliveries within any single county or political subdivision thereof, one maximum flat delivered, or delivered and spread price. In calculating his maximum flat price, the seller shall include therein his handling and delivery cost, and his costs of spreading, if any, by listing all, or a representative group of, his prospective deliveries and spread sales, in the particular county or political subdivision thereof, and averaging his actual or estimated costs of such handling and delivery, or costs of delivering and spreading, as the case may be, in such county or political subdivision thereof.

SEC. 13. *Sales by new sellers.* Where a person operates at a new point of production or commences the business of selling agricultural liming materials after the effective date of this regulation, his maximum price to each class of purchaser is the maximum price for a like sale of the same or a similar kind or grade of agricultural liming materials of his most closely competitive seller of the same class: *Provided*, That, where a producer uses portable equipment (i. e., mounted on wheels so that it may be moved from one site to another) his maximum price at the new point of production shall be his established maximum price at his nearest other point of

production or the maximum price of his closest competitor at the new point of production who likewise uses portable equipment, whichever is lower. Such new seller shall report to the Office of Price Administration, Washington, D. C., the new maximum price so established and the name and address of the competitor whose price was adopted.

This regulation shall become effective this 12th day of October 1944.

NOTE: The record-keeping and reporting provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15557; Filed, Oct. 7, 1944; 11:48 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136, as Amended,[1] Amdt. 126]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1390.25a (c) (5) is added to read as follows:

(5) *Adjustment of resellers' maximum prices.* The maximum prices for sales of machines and parts by resellers may be adjusted in an order issued under this paragraph (c). This adjustment for resellers will reflect the increases and decreases in the reseller's cost due to the adjustment granted his supplier. However, where it has been customary for resellers of a machine or part to determine their maximum prices by reference to a price list issued by their supplier, the order adjusting the supplier's maximum prices may require resellers to determine their maximum prices by reference to the revised price list issued by the supplier in accordance with the order issued under this paragraph (c). In such case, the supplier must revise his price list in accordance with the order issued under this paragraph (c).

This amendment shall become effective October 12, 1944.

Issued this 7th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15559; Filed, Oct. 7, 1944; 11:49 a. m.]

PART 1392—PLASTICS

[MPR 523,[2] Amdt. 2]

PLASTICS PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 7 (c) is amended to read as follows:

(c) *Establishment of maximum prices by order where the manufacturer does not comply with (a) or (b).* If, after March 26, 1944, the manufacturer sells offers to sell, delivers or transfers a plastics product covered by this section without computing the maximum price as required by paragraph (a) or (b), or delivers such a plastics product without receiving approval of the maximum price as required by paragraph (b), the Price Administrator may issue an order establishing a maximum price for all such sales, deliveries or transfers. Any maximum price so established will be in line with the level of maximum prices established by this regulation. The issuance of such an order will not relieve the manufacturer of his obligation to comply with the requirements of paragraphs (a) and (b), or of the various penalties for any failure to do so.

This amendment shall become effective October 12, 1944.

Issued this 7th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15561; Filed, Oct. 7, 1944; 11:51 a. m.]

PART 1395—NONFERROUS FOUNDRY PRODUCTS

[RMPR 125,[1] Amdt. 6]

NONFERROUS CASTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 125 is amended in the following respects:

1. Section 1395.4 (a) (2) is amended to read as follows:

(2) *Cost of metals.* To the extent that the pricing formulas include, or are based on prices paid for metals, the seller shall use metal prices no higher than current maximum prices established by the Office of Price Administration. If the seller expects to use alloy ingot he shall use a price no higher than the maximum delivered price of such ingot. If the seller expects to do his own alloying, he shall use a price no higher than the maximum delivered price of the alloy ingot which is most similar in analysis to the specifications of the casting which he is pricing. (Information as to alloy ingots of similar analysis and their maximum prices may be obtained by writing to the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C.)

In determining the maximum delivered price of metal, the seller shall assume that he purchases at one time the quantity necessary to produce the number of castings ordered by the buyer.

The seller shall estimate quantity of metal on the basis of previous production experience; and, if melting cost or melting loss enter into the determination of the cost of metal, these items shall be figured in accordance with the seller's pricing formula.

This amendment shall become effective October 12, 1944.

Issued this 7th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15555; Filed, Oct. 7, 1944; 11:48 a. m.]

PART 1435—NONFERROUS MILL AND MACHINE PRODUCTS

[MPR 377,[1] Amdt. 3]

DIE CASTINGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 377 is amended in the following respect:

1. Section 11 (a) is amended to read as follows:

(a) *Where seller purchases ingot.* If the seller purchases die casting alloy ingot, he shall use as the per pound cost of metal an amount no greater than the maximum price fixed by OPA for such die casting alloy ingot at the time the seller figures his price plus any freight or delivery charges which must be paid by the die caster. In determining this maximum price, the seller shall assume that he will purchase the die casting ingot at one time in the quantity necessary to produce the number of die castings ordered by the buyer.

This amendment shall become effective October 12, 1944.

Issued this 7th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15558; Filed, Oct. 7, 1944; 11:49 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Corr. to Amdt. 172[2]]

SCRAP CHEWING TOBACCO

In Column 2 of Table A in section 6.56 (a) (2) the maximum list price of ".95" is corrected to read "$.96".

Issued this 7th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15556; Filed, Oct. 7, 1944; 11:48 a. m.]

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* Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 4748, 6420, 6239, 6884, 7079, 7168, 7615, 7854, 10589.

[2] 9 F.R. 3085, 6951.

[1] 8 F.R. 1271, 2597, 2721; 9 F.R. 576, 3856, 5590.

[1] 8 F.R. 5746, 13982.

[2] 9 F.R. 11530.

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1,[1] Amdt. 13 to Supp. 7]

PACKED FRUITS, BERRIES AND VEGETABLES OF THE 1944 AND LATER PACKS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

1. Table 1 of Appendix C to section 15 is amended in the following respects:

a. In Area 5 the reference to the state of Washington is amended to read as follows:

Washington (except those counties included in Area 6).

b. Area 6 is added to read as follows:

Washington (Skagit and Snohomish counties).

2. Table 3 of Appendix C to section 15 is amended in the following respects:

a. In Part 1, Alaska Peas, items 26 to 30 are added; in Part 2, Sweet Peas, items 31 to 36 are added; and in Part 3, Large Seeded Sweets (such as Prince of Wales, Laxtons and Profusions), item 6 is added, to read as follows:

TABLE 3—PERMITTED INCREASES AND PRICE RANGES PER DOZEN CONTAINERS FOR PROCESSORS OF PACKED PEAS WHO MADE SALES DURING THE BASE PERIOD

PART 1—ALASKA PEAS

Item No.	Area	Sieve size	No. 2 cans						No. 10 cans					
			Fancy		Extra standard		Standard		Fancy		Extra standard		Standard	
			Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges
26	6	No. 1	$0.41	$1.84–$2.04	$0.39	$1.60–$1.76	$0.37	$1.49–$1.63	$2.08	$9.34–$10.36	$1.98	$8.12–$8.94	$1.88	$7.56–$8.28
27		No. 2	.41	1.70– 1.90	.39	1.48– 1.64	.37	1.39– 1.53	2.08	8.63– 9.65	1.98	7.51– 8.33	1.88	7.05– 7.77
28		No. 3	.41	1.51– 1.71	.39	1.32– 1.48	.37	1.24– 1.38	2.08	7.66– 8.68	1.98	6.70– 7.52	1.88	6.30– 7.02
29		No. 4 and up	.41	1.39– 1.59	.39	1.21– 1.37	.37	1.15– 1.29	2.08	7.05– 8.07	1.98	6.14– 6.96	1.88	5.83– 6.55
30		Ungraded	.41	1.39– 1.59	.39	1.21– 1.37	.37	1.15– 1.29	2.08	7.05– 8.07	1.98	6.14– 6.96	1.88	5.83– 6.55

PART 2—SWEET PEAS

31	6	No. 1	$0.41	$1.71–$1.91	$0.38	$1.59–$1.75	$0.36	$1.43–$1.57	$2.08	$8.68–$9.70	$1.93	$8.07–$8.89	$1.83	$7.26–$7.98
32		No. 2	.41	1.68– 1.88	.38	1.56– 1.72	.36	1.41– 1.55	2.08	8.53– 9.55	1.93	7.92– 8.74	1.83	7.16– 7.88
33		No. 3	.41	1.51– 1.71	.38	1.41– 1.57	.36	1.27– 1.41	2.08	7.67– 8.69	1.93	7.16– 7.98	1.83	6.45– 7.17
34		No. 4	.41	1.44– 1.64	.38	1.34– 1.50	.36	1.21– 1.35	2.08	7.31– 8.33	1.93	6.80– 7.62	1.83	6.15– 6.87
35		No. 5 and up	.41	1.38– 1.58	.38	1.29– 1.45	.36	1.16– 1.30	2.08	7.01– 8.03	1.93	6.55– 7.37	1.83	5.89– 6.61
36		Ungraded	.41	1.47– 1.67	.38	1.38– 1.54	.36	1.24– 1.38	2.08	7.46– 8.48	1.93	7.00– 7.82	1.83	6.30– 7.02

PART 3—LARGE SEEDED SWEETS (SUCH AS PRINCE OF WALES, LAXTONS AND PROFUSIONS)

6	6	Ungraded	$0.55	$1.58–$1.90	$0.51	$1.52–$1.68	$0.47	$1.29–$1.43	$2.79	$8.03–$9.65	$2.59	$7.72–$8.53	$2.39	$6.55–$7.26

b. In the table in Part 4, Blends of sieve sizes, item 5a is added immediately preceding Item No. 6, and item 10a is added immediately following Item No. 10, to read as follows:

PART 4—BLENDS OF SIEVE SIZES

1. Blends of more than two sieve sizes.

Item No.	Area	Variety	No. 2 cans						No. 10 cans					
			Fancy		Extra standard		Standard		Fancy		Extra standard		Standard	
			Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges	Permitted increase	Price ranges
5a	6	Alaska	$0.41	$1.53–$1.73	$0.39	$1.34–$1.50	$0.37	$1.26–$1.40	$2.08	$7.77–$8.79	$1.98	$6.80–$7.62	$1.88	$6.41–$7.11
10a	6	Sweet	.41	1.50– 1.70	.38	1.40– 1.56	.36	1.26– 1.40	2.08	7.62– 8.64	1.93	7.10– 7.92	1.83	6.41– 7.11

c. In the table in Part 4, Blends of sieve sizes, item 7 under No. 2 cans, Standard grade, the price range is changed from $1.22–$1.38 to $1.22–$1.36; item 3 under No. 10 cans, Standard grade, the price range is changed from $5.99–$6.60 to $5.89–$6.60.

d. The text following the table in Part 4 is amended to read as follows:

However, the maximum price for a blend of three or four sieve sizes of sweet peas containing number six sieve size peas, for any grade, shall be: In No. 2 cans, eleven cents per dozen, and in No. 10 cans, fifty-six cents per dozen, lower than the maximum price for blends of more than two sieve sizes of sweet peas not containing number six sieve size peas of the same grade packed in the same container type and size.

"Blend of three or four sieve sizes" of a variety and grade of peas means a combination of three or four sieve sizes, which contains not more than 5 per cent by volume of peas which are larger than the largest sieve size declared in the blend, and not more than 1 per cent by volume of peas which are two or more sieve sizes larger than the largest sieve size declared in blend.

If the combination contains more than the specified percentage by volume of sieve sizes larger than the largest sieve size declared in the blend, the maximum price shall be the same as the maximum price for the same variety and grade, ungraded as to sieve size, packed in the same container type and size.

2. The maximum price for a blend of two sieve sizes of a variety and grade of peas shall be the same as the maximum price for the larger sieve size in the blend of the same variety and grade, packed in the same container type and size.

"Blend of two sieve sizes" of a variety and grade of peas means a combination of two sieve sizes, which contains not more than 10 per cent by volume of peas which are larger than the larger sieve size declared in the blend, and not more than 2 per cent by volume of peas which are two or more sieve sizes larger than the larger sieve size declared in the blend.

If the combination contains more than the specified percentage by volume of sieve sizes larger than the larger sieve size declared in the blend, the maximum price shall be the same as the maximum price for the same variety and grade, ungraded as to sieve size, packed in the same container type and size.

3. Table 4 of Appendix C to section 15 is amended in the following respects:

a. Part 1, Alaska Peas, items 26 to 30 are added; in Part 2, Sweet Peas, items 31 to 36 are added; and in Part 3, Large Seeded Sweets (such as Prince of Wales, Laxtons and Profusions), item 6 is added, to read as follows:

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 9493, 9613, 10194, 10356, 10497, 10630, 10709, 10714.

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED PEAS DURING THE BASE PERIOD

PART 1—ALASKA PEAS

Item No.	Area	Sieve size	No. 2 cans			No. 10 cans		
			Fancy	Extra standard	Standard	Fancy	Extra standard	Standard
26	6	No. 1	$1.94	$1.68	$1.56	$9.85	$8.53	$7.92
27		No. 2	1.80	1.56	1.46	9.14	7.92	7.41
28		No. 3	1.61	1.40	1.31	8.17	7.11	6.66
29		No. 4 and up	1.49	1.29	1.22	7.56	6.55	6.19
30		Ungraded	1.49	1.29	1.22	7.56	6.55	6.19

PART 2—SWEET PEAS

31	6	No. 1	$1.81	$1.67	$1.50	$9.19	$8.48	$7.62
32		No. 2	1.78	1.64	1.48	9.04	8.33	7.52
33		No. 3	1.61	1.49	1.34	8.18	7.57	6.81
34		No. 4	1.54	1.42	1.28	7.82	7.21	6.51
35		No. 5 and up	1.48	1.37	1.23	7.52	6.96	6.25
36		Ungraded	1.57	1.46	1.31	7.97	7.41	6.66

PART 3—LARGE SEEDED SWEETS (SUCH AS PRINCE OF WALES, LAXTONS AND PROFUSIONS)

6	6	Ungraded	$1.74	$1.60	$1.36	$8.84	$8.12	$6.90

b. Part 4, Blends of sieve sizes, is amended to read as follows:

TABLE 4—SPECIFIC DOLLARS-AND-CENTS MAXIMUM PRICES PER DOZEN CONTAINERS FOR PROCESSORS WHO WERE NOT IN BUSINESS DURING 1941 OR WHO MADE NO SALES OF PACKED PEAS DURING THE BASE PERIOD

PART 4—BLENDS OF SIEVE SIZES

1. Blends of more than two sieve sizes.

Item No.	Area	Variety	No. 2 cans			No. 10 cans		
			Fancy	Extra standard	Standard	Fancy	Extra standard	Standard
1	1	Alaska	$1.62	$1.44	$1.38	$8.23	$7.30	$7.06
2	2		1.72	1.49	1.35	8.74	7.57	6.85
3	3		1.60	1.38	1.23	8.13	7.01	6.24
4	4		1.55	1.35	1.21	7.87	6.86	6.14
5	5		1.48	1.37	1.28	8.02	6.95	6.50
6	6		1.63	1.42	1.33	8.28	7.21	6.76
7	1	Sweet	1.67	1.55	1.47	8.48	7.88	7.46
8	2		1.60	1.49	1.29	8.13	7.57	6.55
9	3		1.60	1.49	1.29	8.13	7.57	6.55
10	4		1.53	1.42	1.22	7.77	7.21	6.19
11	5		1.55	1.43	1.28	7.87	7.26	6.50
12	6		1.60	1.48	1.33	8.13	7.51	6.76

However, the maximum price for a blend of three or four sieve sizes of sweet peas containing number six sieve size peas, for any grade, shall be: In No. 2 cans, eleven cents per dozen, and in No. 10 cans, fifty-six cents per dozen, lower than the maximum price for blends of more than two sieve sizes of sweet peas not containing number six sieve size peas of the same grade packed in the same container type and size.

"Blend of three or four sieve sizes" of a variety and grade of peas means a combination of three or four sieve sizes, which contains not more than 5 per cent by volume of peas which are larger than the largest sieve size declared in the blend, and not more than 1 per cent by volume of peas which are two or more sieve sizes larger than the largest sieve size declared in blend.

If the combination contains more than the specified percentage by volume of sieve sizes larger than the largest sieve size declared in the blend, the maximum price shall be the same as the maximum price for the same variety and grade, ungraded as to sieve size, packed in the same container type and size.

2. The maximum price for a blend of two sieve sizes of a variety and grade of peas shall be the same as the maximum price for the larger sieve size in the blend of the same variety and grade, packed in the same container type and size.

"Blend of two sieve sizes" of a variety and grade of peas means a combination of two sieve sizes, which contains not more than 10 per cent by volume of peas which are larger than the larger sieve size declared in the blend, and not more than 2 per cent by volume of peas which are two or more sieve sizes larger than the larger sieve size declared in the blend.

If the combination contains more than the specified percentage by volume of sieve sizes larger than the larger sieve size declared in the blend, the maximum price shall be the same as the maximum price for the same variety and grade, ungraded as to sieve size, packed in the same container type and size.

4. Table 8 of Appendix C to section 15 is amended in the following respects:

a. In Part 1, Alaska Peas, items 26 to 30 are added; in Part 2, Sweet Peas, items 31 to 36 are added; and in Part 3, Large Seeded Sweets (such as Prince of Wales, Laxtons and Profusions), item 6 is added, to read as follows:

TABLE 8—GRADE DIFFERENTIALS

PART 1—ALASKA PEAS

Item No.	Area	Sieve size	No. 2 cans			No. 10 cans		
			Fancy and extra standard	Extra standard and standard	Standard and sub-standard	Fancy and extra standard	Extra standard and standard	Standard and sub-standard
26	6	No. 1	$0.26	$0.12	$0.10	$1.32	$0.61	$0.51
27		No. 2	.24	.10	.10	1.22	.51	.51
28		No. 3	.21	.09	.10	1.06	.45	.51
29		No. 4 and up	.20	.07	.10	1.01	.36	.51
30		Ungraded	.20	.07	.10	1.01	.36	.51

PART 2—SWEET PEAS

31	6	No. 1	$0.14	$0.17	$0.10	$0.71	$0.86	$0.51
32		No. 2	.14	.16	.10	.71	.81	.51
33		No. 3	.12	.15	.10	.61	.76	.51
34		No. 4	.12	.14	.10	.61	.70	.51
35		No. 5 and up	.11	.14	.10	.56	.71	.51
36		Ungraded	.11	.15	.10	.56	.75	.51

PART 3—LARGE SEEDED SWEETS (SUCH AS PRINCE OF WALES, LAXTONS AND PROFUSIONS)

6	6	Ungraded	$0.14	$0.24	$0.10	$0.72	$1.22	$0.51

b. The table in Part 4, Blends of sieve sizes, is amended to read as follows:

PART 4—BLENDS OF SIEVE SIZES

1. Blends of more than two sieve sizes.

[Differences between successive grades (per dozen containers)]

Item No.	Area	Variety	No. 2 cans			No. 10 cans		
			Fancy and extra standard	Extra standard and standard	Standard and sub-standard	Fancy and extra standard	Extra standard and standard	Standard and sub-standard
1	1	Alaska	$0.18	$0.06	$0.10	$0.93	$0.24	$0.51
2	2		.23	.14	.10	1.17	.72	.51
3	3		.22	.15	.10	1.12	.77	.51
4	4		.20	.14	.10	1.01	.72	.51
5	5		.21	.09	.10	1.06	.46	.51
6	6		.21	.09	.10	1.07	.45	.51
7	1	Sweet	.12	.08	.10	.60	.42	.51
8	2		.11	.29	.10	.56	1.02	.51
9	3		.11	.20	.10	.56	1.02	.51
10	4		.11	.20	.10	.56	1.02	.51
11	5		.12	.15	.10	.61	.76	.51
12	6		.12	.15	.10	.62	.45	.51

5. In Appendix C to section 15, the following undesignated paragraph is added to the "Explanation of how maximum prices for packed peas are figured", immediately preceding Table 1:

A special pricing provision applicable to Blair Process peas appears at the end of the tables.

6. In Appendix C to section 15, the following paragraphs are added immediately following the undesignated paragraph below Table 9:

Special pricing provision applicable to Blair Process peas. The maximum price for Blair Process peas of a variety, grade and sieve size (including blends and ungraded) packed in No. 303 cans shall be thirteen cents per dozen more than the maximum price for No. 2 cans of the same variety, grade and sieve size (including blends and ungraded) of peas which have not been subjected to the Blair Process.

"Blair Process peas" means packed peas which are subjected to the processing operation known as the "Blair Process", under license from the owner of the U. S. patent thereon, in which substantially the natural color of the pea is retained.

7. Table 3 of Appendix B to section 15 is amended in the following respects: In (Part 4) Area 4, the figures "$13.30–$13.57" for item 10 under the columns headed "No. 10 cans", "Price ranges", "Fancy", are amended to read "$14.25–$14.52", and the figures "$12.30–$12.57" under the columns headed "No. 10 cans", "Price ranges", "Standard", are amended to read "$13.25–$13.52".

8. Table 4 of Appendix B to section 15 is amended in the following respects: In (Part 4) Area 4, the figure "$13.42" for item 10 under the column headed "No. 10 cans", "Fancy", is amended to read "$14.37", and the figure "$12.42" under the column headed "No. 10 cans", "Standard", is amended to read "$13.37".

9. Table 6 of Appendix B to section 15 is amended in the following respects: In Part 4: Area 4, the figure "$4.54", in reference to No. 10 cans, appearing immediately below the table, is amended to read "$5.49".

10. Table 7 of Appendix B to section 15 is amended to read as follows:

TABLE 7—GRADE DIFFERENTIALS

DIFFERENCES BETWEEN SUCCESSIVE GRADES (PER DOZEN CONTAINERS)

[All areas, all green and natural varieties, all styles]

	No. 2 cans	No. 10 cans
Fancy and standard	$0.20	$1.00
Standard and substandard	.10	.50

11. In section 4 (a) the fourth undesignated paragraph is amended to read as follows:

If the processor was not in business during 1941 or if he made no sales of the product during the base period, of goods produced in a particular area, he figures his gross maximum price for the item being priced by using as his gross maximum price the specific dollars-and-cents price named in the applicable appendix. (However, if he is subject to section 14 (g), covering transfers of business or stock in trade, he uses the base price of his transferor and figures a maximum price in the same manner as his transferor would have figured it.) In cases where a specific dollars-and-cents price is not provided for the item, he figures his gross maximum price by applying the appropriate conversion factor to the specific dollars-and-cents price named for the nearest container size, style and grade of the product.

12. In section 5, an undesignated paragraph is added immediately preceding paragraph (a) to read as follows:

When used in this section, the phrase "sold during the base period" or "not sold during the base period", or words of similar import, refer to sales of the product, of goods produced in a particular area.

13. Table 1 of Appendix E is amended in the following respect:

a. In Area 5 the references to the states of Oklahoma and Arkansas are amended to read as follows:

Oklahoma (except those counties included in Area 4),

Arkansas (except those counties included in Area 4).

b. In Area 4 the states of Oklahoma and Arkansas are added to read as follows:

Oklahoma (Washington, Nowata, Craig, Ottawa, Tulsa, Rogers, Mayes, Delaware, Wagoner, Cherokee, Adair, Okmulgee, Muskogee, Sequoyah, McIntosh, Haskell and Le Flore counties),

Arkansas (Benton, Carroll, Boone, Baxter, Washington, Madison, Newton, Searcy, Stone, Crawford, Franklin, Johnson, Pope, Van Buren, Sebastian, Logan, Conway, Scott and Yell counties).

This amendment shall become effective October 7, 1944.

Issued this 7th day of October 1944.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 44–15582; Filed, Oct. 7, 1944; 4:57 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13 [1], Amdt. 57]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 15.13 is amended by substituting the date "October 16" for the date "October 9" wherever it appears in that section.

This amendment shall become effective October 9, 1944.

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791, 3032, 3073, 3513, 3579, 3708, 3710, 3944, 3947, 4026, 4351, 4475, 4604, 4818, 4876, 5074, 5436, 5695, 5829, 6234, 6235, 6647, 6951, 7080, 7081, 7202, 7257, 7345, 7437, 7773, 8793, 9169, 9954, 10087, 10636, 11113.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., and by Pub. Law 383, 78th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319, and WFO No. 58, 8 F.R. 2251, 9 F.R. 4319)

Issued this 7th day of October 1944.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 44–15583; Filed, Oct. 7, 1944; 4:57 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[2d RMPR 150,[1] Amdt. 1]

FINISHED RICE AND RICE MILLING BY-PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 9 (a) (1) of Second Revised Maximum Price Regulation 150 is amended to read as follows:

(1) For finished rice consisting of not less than 96 percent of whole kernels and not more than 4 percent of broken kernels nor more than 1 percent of a variety other than the predominant variety, the maximum prices shall be as follows:

Variety	Milled rice	Unpolished [6] rice	Brown rice	Converted milled rice (when sold to the U. S. Government or any of its agencies) [7]
Rexore	$8.25	$7.40	$6.75	$9.05
Nira	8.25	7.40	6.75	8.65
Fortuna	7.50	6.80	6.20	8.15
Edith	7.00	6.50	6.00	8.10
Prelude	7.00	6.50	6.00	8.10
Calady	6.65	6.10	5.85	7.90
Blue Rose	6.50	6.10	5.85	8.15
Ark Rose	6.50	6.10	5.85	8.15
Southern Pearl	6.50	6.10	5.85	8.15
California Pearl	6.50	6.10	5.85	7.75
Lady Wright	6.50	6.10	5.75	8.00
Zenith	6.50	6.10	5.85	8.15
Early Prolific	6.20	5.70	5.40	7.60
Any other variety	6.20	5.70	5.40	7.60

[6] When unpolished rice is sold to the United States Government or any of its agencies, the maximum price shall be the maximum price for milled rice.

[7] When converted milled rice is sold to any person other than the United States Government or any of its agencies the maximum price shall be the maximum price for milled rice.

This amendment shall become effective October 7, 1944.

Issued this 7th day of October 1944.

JAMES G. ROGERS, JR.,
Acting Administrator.

[F. R. Doc. 44–15581; Filed, Oct. 17, 1944; 4:57 p. m.]

[1] 7 F.R. 3856, 3901, 6602, 7738, 8948; 8 F.R. 1457, 4788, 10758, 12873, 14076, 15322, 3346, 3424, 3649, 5726, 6564, 7329, 11003.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 143,[1] Amdt. 2]

WHOLESALE PRICES FOR NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Sections 3 and 4 are amended by substituting the date "December 15, 1944", for the date "October 15, 1944", wherever the latter appears.

This amendment shall become effective October 14, 1944.

Issued this 9th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15628; Filed, Oct. 9, 1944; 11:37 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[RMPR 271,[2] Amdt. 25]

POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 271 is amended in the following respects:

1. Section 11 (a) is amended to read as follows:

(a) *Base prices for intermediate sellers.* An intermediate seller's "base price" for each lot of potatoes or onions sold by him is the maximum price, f. o. b. country shipping point, for the particular goods being priced in effect at the time of shipment from the country shipping point, plus the cost of transportation (see section 8 (a) (17)) from the country shipping point to the terminal market or other wholesale receiving point, plus the applicable allowances for sales through a broker or growers' sales agent (section 9 (b) (1)), or on a delivered basis (section 9 (b) (2)), or by a carlot distributor (section 10) or country shipper performing the functions of a carlot distributor (section 9 (b) (3)), to the extent that such allowances were actually paid by the intermediate seller.

NOTE: In figuring a base price, the intermediate seller shall not add more than 14¢ per cwt. (in case of potatoes) or 9¢ per 50 pounds (in the case of onions) to the f. o. b. shipping point price plus the cost of transportation. (See example in section 10.) In no event may commission merchant or auction market fees be included in the base price.

2. In section 11 (c), subparagraphs (1) through (5) are deleted, subparagraphs (6), (7), (8) and (9) are renumbered (2), (3), (4) and (5), respectively and a new subparagraph (1) is added to read as follows:

(1) The maximum price which intermediate sellers may charge for each lot or shipment of potatoes or onions is, in each case, the base price plus 60¢ per cwt., in the case of potatoes, or the base price plus 40¢ per 50 pounds, in the case of onions.

EXPLANATORY NOTE: There may be any number of transactions between intermediate sellers, but no intermediate seller shall charge more than the maximum price figured by adding the applicable markup to the base price, regardless of the number of prior intermediate sellers involved.

3. In section 25 (a) (3) immediately following the words "baking type" a parenthetical statement is added to read as follows: "(In cases where the differentials for baking type potatoes are applicable no other differential for grade, size or packaging is applicable)".

This amendment shall become effective October 14, 1944.

Issued this 9th day of October 1944.

CHESTER BOWLES,
Administrator.

Approved: September 30, 1944.

ASHLEY SELLERS,
Acting War Food Administrator.

[F. R. Doc. 44-15627; Filed, Oct. 9, 1944; 11:37 a. m.]

PART 1371—IMPORT PRICES

[Maximum Import Price Reg.[1] Amdt. 6]

ADJUSTMENTS FOR INDUSTRIAL USERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith has been filed with the Division of the Federal Register.*

The Maximum Import Price Regulation is amended in the following respects:

1. The words "Subpart B" are deleted from the last subparagraph of paragraphs (a) and (b) of section 5 and from section 10 and the words "Article III" are substituted therefor.

2. Paragraph (c) of section 5 is redesignated paragraph (d) and the words "to an industrial user" are deleted therefrom.

3. A new paragraph (c) is added to section 5 to read as follows:

(c) The Price Administrator may grant an adjustment of maximum prices for a group or class of industrial users where and to the extent that he finds that the members of the group or class would generally be entitled to adjustments if they made individual applications under this section.

This Amendment No. 6 shall become effective October 14, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 9th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15631; Filed, Oct. 9, 1944; 11:38 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Rev. RO 11,[1] Amdt. 28]

FUEL OIL

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Revised Ration Order 11 is amended in the following respects:

1. Section 1394.5153 (b) (4) is amended to read as follows:

(4) *Space heaters acquired after August 23, 1943.* Even though the space heater was acquired after August 23, 1943 (provided there is no standby facility):

(i) The space heater was acquired pursuant to Ration Order 9A; or

(ii) The space heater was properly acquired by the applicant without a stove purchase certificate (defined in Ration Order 9A), and he was then or is at the time of application for a fuel oil ration eligible, but for that space heater, for a new space heater under Ration Order 9A; or

(iii) The space heater was furnished pursuant to an authorization under an order of the War Production Board in the P-19, P-55, or P-110 series and the applicant thereafter acquired it together with the premises covered by such authorization; or

(iv) The space heater is to heat the same space heated by it before the applicant acquired it.

2. Section 1394.5153 (d) is amended by adding after the period at the end thereof the following sentence: "However, this paragraph shall not be deemed to invalidate the use of a ration for hot water or for domestic cooking validly issued before August 11, 1944."

3. Section 1394.5154 (c) is amended by adding after the period at the end thereof the following sentence: "However, this paragraph shall not be deemed to invalidate the use of a ration for hot water validly issued before August 11, 1944."

4. Section 1394.5161 (a) is amended by adding after the period at the end thereof the following sentence: "However, this paragraph shall not be deemed to invalidate the use of a ration for domestic lighting validly issued before August 11, 1944."

5. Section 1394.5367a (b) is amended to read as follows:

(b) *When these coupons may be used by consumers.* Fuel oil may be transferred to a consumer in exchange for a coupon from a Class 3 coupon sheet beginning with the date the coupon sheet becomes valid and continuing for an indefinite period thereafter, even though an expiration date appears on the coupon sheet.

6. Section 1394.5405 (c) is amended by deleting from the last sentence thereof the phrase "but in no event to an amount in excess of twice the current ration".

7. Section 1394.5501 (a) is amended by inserting between the word "than" and

*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 4286, 7260.

[2] 8 F.R. 15587, 15663; 9 F.R. 2298, 3589, 4027, 4647, 5379, 6151, 7504, 7771, 7852, 8931, 9356, 9783, 10089, 10199, 10981, 10778, 10778.

[1] 9 F.R. 2350, 7504, 8062, 10925.

[1] 9 F.R. 2357.

the word "Class" the phrase "Class 3 coupon sheets and those".

This amendment shall become effective on October 13, 1944.

Issued this 9th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15626; Filed, Oct. 9, 1944; 11:36 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[RO 17,[1] Amdt. 80]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. Section 2.15 (a) is amended by adding after the last sentence the following: "However, if the shoes are being exported to a member of the foreign service of the United States, through the Department of State, a receipt of the mail room of the Department of State may be accepted as proof of export.

2. Section 3.5 (a) (4) is amended by adding to the end of the last sentence the following: ", or are shoes exported through the Department of State."

This amendment shall become effective October 13, 1944.

NOTE: The reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15630; Filed, Oct. 9, 1944; 11:38 a. m.]

PART 1412—SOLVENTS

[MPR 28,[2] Amdt. 8]

ETHYL ALCOHOL (EXCLUDING WEST COAST ETHYL ALCOHOL)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1412.263 (h) (1) is amended by adding the following paragraph at the end thereof:

Limitation on increased depreciation charges because of transfer of plant ownership. Where the ownership of an alcohol plant has been transferred since July 18, 1944, the amount of depreciation which the transferee of such plant may charge as a cost of producing alcohol during any period shall not exceed the dollar amount of depreciation that the owner of the plant on July 17, 1944, would have been entitled to charge as a cost of producing alcohol for the same period if no transfer or transfers had taken place: *Provided*, That, irrespective of the date of transfer subsequent to September 30, 1942, if at the time of transfer there existed a substantial community of interest between the transferee and transferor, the transferee may not charge an amount of depreciation greater than the dollar amount that the transferor would have been entitled to charge for the same period if no transfer had taken place.

This amendment shall become effective October 14, 1944.

Issued this 9th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15624; Filed, Oct. 9, 1944; 11:36 a. m.]

PART 1412—SOLVENTS

[MPR 295,[1] Amdt. 8]

WEST COAST ETHYL ALCOHOL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1412.165 (g) (1) is amended by adding the following paragraph at the end thereof:

Limitation on increased depreciation charges because of transfer of plant ownership. Where the ownership of an alcohol plant has been transferred since July 18, 1944, the amount of depreciation which the transferee of such plant may charge as a cost of producing alcohol during any period shall not exceed the dollar amount of depreciation that the owner of the plant on July 17, 1944, would have been entitled to charge as a cost of producing alcohol for the same period if no transfer or transfers had taken place: *Provided*, That, irrespective of the date of transfer subsequent to September 30, 1942, if at the time of transfer there existed a substantial community of interest between the transferee and transferor, the transferee may not charge an amount of depreciation greater than the dollar amount that the transferor would have been entitled to charge for the same period if no transfer had taken place.

This amendment shall become effective October 14, 1944.

Issued this 9th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15625; Filed, Oct. 9, 1944; 11:36 a. m.]

PART 1425—LUMBER DISTRIBUTION

[2d Rev. MPR 215,[1] incl. Amdts. 1-8]

DISTRIBUTION YARD SALES OF SOFTWOOD

This compilation of Second Revised Maximum Price Regulation 215 includes Amendment 8, effective October 14, 1944. The amended and added portions are indicated by underscoring; the deletions by notes.

In the judgment of the Price Administrator the maximum prices established by this regulation are generally fair and equitable and in accordance with the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328. A statement of the considerations involved in the issuance of this regulation, issued simultaneously herewith, has been filed with the Division of the Federal Register.[2]

§ 1425.1 *Maximum prices for distribution yard sales of softwood lumber and hardwood flooring.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, the Second Revised Maximum Price Regulation No. 215 (Distribution Yard Sales of Softwood), which is annexed hereto and made a part hereof, is hereby issued.

SECOND REVISED MAXIMUM PRICE REGULATION NO. 215—DISTRIBUTION YARD SALES OF SOFTWOOD

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

Sec.

1. Distribution yard sales of softwood lumber and hardwood flooring at higher than maximum prices prohibited.
2. Less than maximum prices.
3. Transactions and products covered.

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

4. Maximum prices for wholesale and CPA yards and "wholesale-type" sales by retail yards.
5. Maximum prices for retail yards: Sales other than "wholesale-type".
6. Sales of pressure treated lumber out of distribution stock.
7. How to figure inbound transportation.
8. Combination grades.
9. Items in distribution yard stock when specific price is deleted from a mill regulation.
10. Items specially priced under mill regulations.
11. Special rules for sales by "CPA contract yards".
12. Delivery charges.
13. How to figure additions for working, kiln-drying and pressure treatment.
14. Special specifications, workings or extras.
15. What the invoice must contain.

ARTICLE III—MISCELLANEOUS

16. Definitions.
17. What records must be kept.
18. Prohibited practices.
19. Adjustable pricing.
20. Petitions for amendment or applications for adjustment.

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15839, 16605, 16996; 9 F.R. 92, 573, 764, 2232, 2656, 2947, 2829, 3340, 3944, 4391, 5254, 5805, 6233, 6647, 6455, 7080, 7773, 8254, 8339, 8340, 8931, 9355, 9901, 10589, 10984, 10985.

[2] 8 F.R. 2339, 4256, 4852, 8016, 12879; 9 F.R. 2668, 3330, 4198, 4883.

[1] 7 F.R. 11115; 8 F.R. 129, 2699, 4930, 15431, 16742; 9 F.R. 2668, 3330, 4198.

[1] 8 F.R. 14145.

[2] Statements of consideration are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

Sec.
21. Enforcement.
22. Licensing.
23. Approval of yard operations.
24. Relation to other regulations.

AUTHORITY: § 1425.1 issued under 56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

ARTICLE I—PROHIBITIONS AND SCOPE OF REGULATION

SECTION 1. *Distribution yard sales of softwood lumber and hardwood flooring at higher than maximum prices prohibited.* On and after October 21, 1943, regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive any softwood lumber or hardwood flooring out of distribution yard stock at prices higher than the maximum prices fixed by this regulation, and no person shall agree, offer, or attempt to do any of these things.

SEC. 2. *Less than maximum prices.* Prices lower than the ceiling prices may, of course, be charged and paid.

SEC. 3. *Transactions and products covered—*(a) *Transactions covered.* This regulation covers all sales and purchases out of distribution yard stock of products covered by the regulation within the continental limits of the United States made by lumber distribution yards, whether wholesale or retail.

(b) *Products covered.* This regulation covers sales out of distribution yard stock of any lumber or lumber products for which "direct-mill" maximum prices are fixed in the following maximum price regulations, as well as any later revisions or amendments:

Southern Pine Lumber—Second RMPR 19.[3]
Douglas Fir and Other West Coast Lumber—RMPR 26.[4]
Western Pine and Associated Species of Lumber—MPR 94.[5]
Red Cedar Shingles—MPR 164.[6]
Northeastern Softwood Lumber—RMPR 219.[7]
Northern Softwood Lumber—Second RMPR 222.[8]
Redwood Lumber and Millwork—MPR 253.[9]
Sitka Spruce Lumber—MPR 290.[10]
Western Red Cedar Lumber—MPR 402.[11]
Tidewater Red Cypress Lumber—MPR 412.[12] Tables 2, 4, 6, 7, 8, 11, and 17.
Northern Hardwood Flooring—MPR 432.[13]
Oak, Pecan and Miscellaneous Hardwood Flooring—MPR 458.[14]
Yellow Cypress Lumber—MPR 513[15] (except Table 1).
Pressure Preservative Treatment of Forest Products and Pressure Treated Forest Products—MPR 491[16] (only as applicable to the species and items covered by the foregoing regulations).
Aromatic Red Cedar Lumber—MPR 454, closet lining only.[16a]

[Above item added by Am. 8, effective 10-14-44]

This regulation does not cover sales by distribution yards or purchases from distribution yards of plant stakes, car strips, pickets, battens, millwork or stock mouldings listed in the 1940–8000 Series List published by Shattock-McKay, Chicago, Illinois, except the items numbered 8643, 8660, 8665, 8394, 8397, 8424, 8695, 8721, 8722, 8840, 8855, 8444 and 8902, which are specifically covered by this regulation.

Every yard affected by this regulation should get copies of the mill regulations covering the species it handles, since this regulation builds upon the prices and definitions in the above "direct-mill" regulations.

[Paragraph (b) amended by Am. 5, 9 F.R. 5314, effective 5-22-44]
[Sec. 3 amended by Am. 2, 9 F.R. 2553, effective 3-10-44; and as otherwise noted]

ARTICLE II—MAXIMUM PRICES AND TERMS OF SALE

SEC. 4. *Maximum prices for wholesale and CPA yards and "wholesale-type" sales by retail yards.* (a) The maximum prices for all sales out of the stock of wholesale or CPA distribution yards or "wholesale-type" sales except as provided in paragraphs (b) and (c) of this section and section 6, are the sum of the following: (See section 16 for definitions of "sales out of distribution yard stock", and "wholesale-type sales".

[Paragraph (a) amended by Am. 8, effective 10-14-44]

(1) F. o. b. mill maximum price at the time of delivery by the distribution yard in the mill regulation for the particular species, plus

(2) Inbound transportation charges to the distribution yard, figured under the rules in section 7; plus

(3) $5.00 per thousand board feet "handling charge" (or 30 cents per square for shingles, and 60 cents per M pieces for lath); plus

(4) 10 percent of the total of (1), (2) and (3).

In computing the maximum price under this paragraph, the f. o. b. mill maximum price may be increased by 4 percent (maximum $2.00 per MBM) in those cases in which the applicable mill regulation permits an addition to the f. o. b. mill price by a wholesaler or commission merchant.

In computing the maximum price each of the above items must be adjusted to the nearest quarter of a dollar per thousand board feet of lumber or the nearest five cents per unit of sale on other items.

(b) The maximum prices for truck shipments or less than carload shipments by rail of lower bracket items of southern pine lumber by yards located in Alabama, Georgia, Mississippi, North Carolina, South Carolina, Tennessee or Virginia which during the last six months of 1943, processed by ripping, resawing, edging, planing or other comparable operations, 25 percent or more of their total volume of lower bracket items of southern pine or which, during any succeeding three months' period, process 25 percent or more of their lower bracket items of southern pine, are the sum of:

(1) F. o. b. mill maximum price at the time of delivery by the distribution yard in Second Revised Maximum Price Regulation No. 19, Southern Pine Lumber; plus

(2) $5.00 per thousand board feet; plus

(3) 5 percent of the total of (1) and (2).

In computing the maximum price under this paragraph, the f. o. b. mill maximum price may be increased by 4 percent (maximum $2.00 per MBM) in those cases in which the applicable mill regulation permits an addition to the f. o. b. mill price by a wholesaler or commission merchant.

In computing the maximum price each of the above items must be adjusted to the nearest quarter of a dollar per thousand board feet of lumber or the nearest five cents per unit of sale on other items.

(c) All sales of southern pine, both upper and lower bracket items, by yards described in paragraph (b) for carload rail shipment are subject to Second Revised Maximum Price Regulation 19, Southern Pine Lumber, with no yard mark-up or basing point.

[Paragraph (c) amended by Am. 8, effective 10-14-44]

[Sec. 4 amended by Am. 2, 9 F.R. 2553, effective 3-10-44; and Am. 3, 9 F.R. 2948, effective 3-16-44]

SEC. 5. *Maximum prices for retail yards: Sales other than "wholesale-type"—*(a) *General.* The maximum prices on sales out of retail yard stock other than "wholesale-type" sales, sales of pressure-treated lumber and sales of southern pine as provided in paragraph (e) of this section, are the sum of the following:

[Paragraph (a) amended by Am. 2, 9 F.R. 2553, effective 3-10-44; Am. 3, 9 F.R. 2948, effective 3-16-44 and Am. 8, effective 10-14-44]

(1) F. o. b. mill maximum price at the time of delivery by the distribution yard, in the mill regulation for the particular species; plus

(2) Inbound transportation charges to the distribution yard figured under the rules in section 7; plus

(3) $5.00 per thousand board feet "handling charge" (or 30 cents per square for shingles, and 60 cents per M pieces for lath); plus

(4) The appropriate area percentage mark-ups, to be applied to the sum of (1), (2), and (3) above.

[3] 9 F.R. 1162, 2026, 2915, 6232.
[4] 9 F.R. 1016, 3513, 4227, 7505, 9720, 11112.
[5] Revised: 9 F.R. 6634.
[6] 7 F.R. 4541, 8384, 8948; 8 F.R. 2876, 2992, 4514, 12296, 15368; 9 F.R. 4225.
[7] 3d Revised: 9 F.R. 8026, 9513.
[8] 8 F.R. 14126; 9 F.R. 789, 10498.
[9] 7 F.R. 9230, 10848; 8 F.R. 4136, 4720, 7197, 1169, 11479; 9 F.R. 5482.
[10] Revised: 9 F.R. 5727.
[11] 8 F.R. 7662, 5422.
[12] 8 F.R. 8712, 12406.
[13] 8 F.R. 9837, 15703; 9 F.R. 2789.
[14] 8 F.R. 15323.
[15] 9 F.R. 2026, 3459, 3652.
[16] 8 F.R. 15594; 9 F.R. 8182, 9955.
[16a] 8 F.R. 11482; 9 F.R. 5313, 5956.

In computing the maximum price under this section, the f. o. b. mill maximum price may be increased by 4% (maximum $2.00 per MBM) in those cases in which the applicable mill regulation permits an addition to the f. o. b. mill price by a wholesaler or commission merchant.

In computing the maximum price each of the above items must be adjusted to the nearest quarter of a dollar per thousand board feet of lumber or the nearest five cents per unit of sale on other items. If the total quantity is 1,000 feet BM or less, the price may be quoted per board or lineal foot, in which event it must be evened out to the nearest quarter of a cent per foot.

[Above paragraph amended by Am. 2, 9 F.R. 2553, effective 3-10-44]

(b) *Areas.* (1) The North Atlantic Area consists of Maine, New Hampshire, Connecticut, Rhode Island, Vermont and Massachusetts, New York, New Jersey, Eastern Pennsylvania (east of the western border of the counties of Juniata, Perry, Cumberland, Adams, Tioga, Lycoming, Union and Snyder), Maryland, Delaware, District of Columbia, the City of Alexandria, and Fairfax and Arlington Counties of Virginia.

(2) The North Central Area consists of Western Pennsylvania (from the western border of the following counties: Juniata, Perry, Adams, Cumberland, Tioga, Lycoming, Union, and Snyder), West Virginia, Indiana, Ohio, Michigan (Lower Peninsula only), Tazewell and Buchanan Counties of Virginia, and Illinois.

(3) The Great Plains Area consists of Minnesota, North Dakota, South Dakota, Iowa, Wisconsin and the Upper Peninsula of Michigan.

(4) The South Central Area consists of Kansas, Nebraska, Missouri and Oklahoma.

(5) The California Area consists of California.

(6) The Texas Area consists of Texas.

(7) The Mountain States Area consists of Wyoming, Utah, Colorado, Arizona, New Mexico and the counties of Fremont, Jefferson, Madison, Teton, Bonneville, Bingham, Power, Bannock, Caribou, Oneida, Franklin, Bear Lake, Gooding, Lincoln, Minidoka, Jerome, Twin Falls and Cassia in Idaho.

[Subparagraph (7) amended by Am. 8, effective 10-14-44]

(8) The Louisiana Area consists of Louisiana.

(9) The Florida Area consists of Florida.

(10) The Southern Area consists of Alabama, Arkansas, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Virginia except the city of Alexandria and the Counties of Fairfax, Arlington, Tazewell and Buchanan.

(11) The Northwest Area consists of Washington, Oregon, Nevada, Montana and the counties of Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis, Idaho, Adams, Valley, Lemhi, Washington, Payette, Gem, Boise, Custer, Butte, Clark, Canyon, Ada, Elmore, Canas, Blaine and Owyhee in Idaho.

[Subparagraph (11) amended by Am. 8, effective 10-14-44]

(c) *Area mark-ups.* The appropriate area mark-ups to be used in computing maximum prices for sales, other than "wholesale-type" sales, out of retail yard stock are as follows:

(1) In North Central and North Atlantic Areas:

Quantities of over 1,000 ft. B. M.:
"Lower bracket" items, 30%
"Upper bracket" items, 40%
Hardwood Flooring, 30%
Quantities 1,000 ft., B. M., or less:
All items, 50%

(2) In Great Plains and Texas Areas, all quantities:

"Lower bracket" items, 35%
"Upper bracket" items, 40%
Hardwood Flooring, 35%

(3) In California Area, all quantities:

"Lower bracket" items, 30%
"Upper bracket" items, 50%
Hardwood Flooring, 30%

(4) In South Central Area, all quantities:

"Lower bracket" items, 30%
"Upper bracket" items, 40%
Hardwood Flooring, 30%

(5) In Mountain States Area, all quantities:

"Lower bracket" items, 30%
"Upper bracket" items, 40%
Hardwood Flooring, 40%

(6) In Louisiana Area, all quantities:

All items, 30%

(7) In Florida Area, all quantities:

All items, 30%

(8) In Southern Area, all quantities:

"Lower bracket" items, 25%
"Upper bracket" items, 35%
Hardwood Flooring, 25%

(9) In Northwest Area, all quantities:

"Lower bracket" items, 25%
"Upper bracket" items, 35%
Hardwood Flooring, 35%

(10) In all areas, if a sale of softwood lumber, hardwood flooring, lath, and/or shingles totals less than $7.50, add 10 percent of total.

(d) *"Upper bracket" and lower bracket" items.* "Upper bracket" items include the grades and sizes listed below:

2nd RMPR #19, Southern Pine Lumber:
B & Better & C—All items.

RMPR #26, Douglas Fir & Other West Coast Lumber:
Select Structural all sizes thicker than 2", and 2" thicknesses where the width is more than 10".
B & Btr, C & D—All items.
Paragraph 295—Ladder Stock.
Gutter.
Ship Decking.
Ponton Lumber.
(White Fir in the above grades under WCLA rules.)

RMPR #94, Western Pine and Associated Species of Lumber:
No. 1 & 2 Common—All items.
No. 3 Clear.
No. 1 Shop.
Bevel Siding—All grades.
C & D Select.
B & Better.
(White Fir in the above grades under WPA rules.)

MPR #253, Redwood Lumber and Millwork.
Clear—All items.
No. 1 Heart Common—All items.
No. 1 Shop.
A & B—All items.
Bevel Siding—All items.

3rd RMPR #219, Northeastern Softwood Lumber:
Northeastern White Pine:
C and Better and D and Better—All items.
No. 1 and No. 2 Common.
Spruce:
B and Better, and C Select—All items.
Hemlock:
D Select and Better—All items.
Ottawa Valley Norway Pine:
Clear and Clear Face—All items.
Ottawa Valley White Pine:
C Select and Better and D Select—All items.
No. 1, 2 and 3 Cuts.
No. 1 and No. 2 Common—All items.

MPR #222, Northern Softwood Lumber:
Hemlock:
D Select—All items.
Norway Pine:
No. 1 and 2 Boards—All items (Table 12).
D, and C and Better—All items.
Northern White Pine:
B and Better, C and D—All items.
No. 1 and 2 Shop, and Shop Common.
Thick Common (Table 10).
No. 1 and 2 Boards (Table 12).
Jack Pine:
No. 1 and 2 Boards—All items (Table 12).
White Cedar:
Shop and Better.
Western White Spruce:
D and Better.

RMPR #290, Sitka Spruce:
B and Better, C and D—All items.
Paragraph 598—Scaffold Plank.
Ladder Stock—Paragraph 582 (Table 7).
#1 Shop.

MPR #402, Western Red Cedar:
Clear, A and B, B and Btr, C and D—All items.
Bevel Siding—All items.

MPR #412, Tidewater Red Cypress:
Grade A Finish, C Select, and D Finish—All items (Tables 2, 6, 7).
Timbers 85% Heart (Table 4).
Panel Stock (Table 8).
#1 Common—All items.

MPR #513—Yellow Cypress:
Grade A, B, C and D Finish—All items (Tables 2, 4, 5).
Panel Stock (Table 6).
Timbers—75-85% Heart (Table 3).
#1 Common—All items.

All Species and All Grades in:
(1) Lengths longer than 22'.
(2) All thicknesses 2" and under where the width is more than 12".

(3) 3" and 4" thicknesses where the width is more than 10".

(4) 5" and 6" thicknesses where the width is more than 8".

(5) All sizes where the thickness is more than 6".

All grades and sizes not specifically listed are "lower bracket" items.

[Paragraph (d) amended by Am. 6, 9 F.R. 6457, effective 6-17-44; and Am. 8, effective 10-14-44]

(e) All sales of southern pine, both upper and lower bracket items, by yards described in section 4 (b) for carload rail shipment are subject to the direct-mill prices in Second Revised Maximum Price Regulation 19, Southern Pine Lumber, with no mark-up or basing point.

[Paragraph (e) added by Am. 3, 9 F.R. 2948, effective 3-16-44]

[Former section 5 deleted and former section 6 redesignated 5 by Am. 2, 9 F.R. 2553, effective 3-10-44; amended as otherwise noted]

SEC. 6. *Sales of pressure treated lumber out of distribution yard stock.* The maximum price for all sales of pressure treated lumber out of distribution yard stock as defined in section 16 is the sum of the following:

(a) The f. o. b. mill price for the green untreated lumber in the mill regulation for the particular species at the time of delivery by the distribution yard; plus

(b) Inbound transportation charges to the distribution yard, figured under the rules in section 7, on the basis of green weight; plus

(c) $24.50 per MBM in the case of West Coast species, including Douglas Fir, West Coast Hemlock, all species of True Fir, Redwood, Sitka Spruce and Western Red Cedar; or $20.50 per MBM in the case of all other species; plus

(d) Cost of the preservative computed under the following table:

PRESERVATIVE ADDITIONS PER M'BM

NO. 1 DISTILLATE OIL BY PRESSURE PROCESS

Region	Retentions per cubic foot				
	6 pounds	8 pounds	10 pounds	12 pounds	14 pounds
I—All States East of the Hundredth Meridian	$9.50	$12.75	$15.75	$19.00	$22.25
II—All other States except Washington, Oregon, and California	11.50	15.50	19.50	23.25	27.25
III—Washington, Oregon, and California	12.50	16.75	20.75	25.00	29.25

NOTE: Special authorization for additions for distillate oil used in combination with coal tar or petroleum will be granted upon application to the Office of Price Administration, Washington, D. C.

SALT PRESERVATIVES BY PRESSURE PROCESS PER M'BM

	Zinc chloride				Wolman		
	Plain—retention per cubic foot		Chromated—retention per cubic foot		Retention per cubic foot		
	.75 pound	*1.0 pound*	*.75 pound*	*1.0 pound*	*.30 pound*	*.35 pound*	*.40 pound*
All regions	$3.50	$4.75	$4.50	$6.00	$6.25	$7.25	$8.50

(e) $5.00 per thousand board feet "handling charge".

(f) 10 percent of the sum of (a), (b), (c), (d) and (e) above on sales by wholesale or CPA distribution yards or "wholesale-type" sales by retail yards; or the appropriate area mark-ups as shown in section 5 (c) on sales other than "wholesale-type" sales by retail yards.

[Paragraph (f) amended by Am. 5, 9 F.R. 5314, effective 5-22-44]

[Sec. 6 added by Am. 2, 9 F.R. 2553, effective 3-10-44]

SEC. 7. *How to figure inbound transportation*—(a) *Basing points.* In adding inbound transportation charges as provided in sections 4, 5, and 6, each seller shall calculate incoming transportation charges from the basing point shown below to points of delivery in each state on the basis of carload rates applicable to each species of softwood lumber and hardwood flooring. For example, if a distribution yard located in Chicago, Illinois, buys shortleaf yellow pine from a mill in Goldsboro, North Carolina, it applies the rate from the basing point to be used for the State of Illinois, in this instance, Hattiesburg, Mississippi, to the point of delivery, in this instance, Chicago. As indicated, this applies regardless of the actual point of origin of the shipment.

Exception: The foregoing shall not apply to mixed species, log run lumber priced in Appendix I of Maximum Price Regulation 94, for which special provision is made under subparagraph (3) below.

(1) *Douglas fir and other West Coast lumber—RMPR 26.* Portland, Oregon (except that in the State of Washington, use Seattle, Washington).

(2) *Idaho white pine—MPR 94.* Spokane, Washington.

(3) *Ponderosa pine, Sugar pine, and secondary species—MPR 94.* (i) All shipments except "mixed species, log run", Appendix I: Klamath Falls, Oregon (except: in Texas, Arizona, and New Mexico use Susanville, California; and for Ponderosa pine and secondary species, in Idaho, Montana, Iowa, North Dakota, South Dakota, Washington and Wyoming, use Spokane, Washington).

(ii) Mixed species, log run (Appendix I): An addition of $6.00 per M'BM for inbound transportation shall be used.

(4) *Red cedar shingles—MPR 164.* Seattle, Washington.

(5) *Northeastern softwoods; RMPR 219.* (i) Eastern spruce (domestic and Canadian), Jack pine, Norway pine, and White cedar shingles: use American prices and weights and Vanceboro, Maine or Cass, West Virginia (whichever takes the lower rate of freight to destination) as the basing point; except for Norway pine produced in Ottawa Valley use Canadian prices and weights and Niagara Falls, New York, Detroit, Michigan, or Chicago, Illinois (whichever takes the lowest rate of freight to destination) as the basing point.

(ii) White pine: use American prices and weights and Norway, Maine or Bristol, Tennessee-Virginia (whichever takes the lower rate of freight to destination) as the basing point; except for White pine produced in Ottawa Valley use Canadian prices and weights and Niagara Falls, New York, Detroit, Michigan, or Chicago, Illinois (whichever takes the lowest rate of freight to destination) as the basing point.

(iii) Eastern hemlock: use prices established for Pennsylvania and New York and Williamsport, Pennsylvania or Bristol, Tennessee-Virginia (whichever takes the lower rate of freight to destination) as the basing point; except in the New England states, use prices for hemlock produced in New England and Norway, Maine, as the basing point.

[Subparagraph (5) amended by Am. 2, 9 F.R. 2553, effective 3-10-44]

(6) *Northern softwoods—RMPR 222.* Wausau, Wisconsin (except: for Jack pine, use Mizpah, Minnesota, as basing point; for imported Western White spruce use Baudette, Minnesota, as basing point for lumber shipped from mills in Saskatchewan and Monitoba; and Spokane, Washington, for lumber shipped from mills in British Columbia and Alberta).

(7) *Redwood—MPR 253.*

Western Area: Eureka, California.

Eastern Area: Direct-mill maximum prices are not f. o. b. mill but are delivered on a 57 cents rate. Therefore, for inbound transportation add only the excess of the actual rate from Eureka, California, to the seller's yard over the 57 cents rate. If the rate is less than 57 cents deduct the resulting difference in transportation charges from the Eastern area prices in MPR 253.

(8) *Shortleaf Southern pine—RMPR 19.*

Montgomery, Alabama: Alabama.

Alexandria, Louisiana: Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming.

Macon, Georgia: Connecticut, Georgia, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont.

Goldsboro, North Carolina: Delaware, District of Columbia, Maryland, North Carolina, Virginia, West Virginia.

Valdosta, Georgia: Florida.
Hattiesburg, Mississippi: Illinois, Indiana, Kentucky, Michigan, Mississippi, Wisconsin.
Sumter, South Carolina: South Carolina.

(9) *Longleaf Southern pine—RMPR 19.*

Alexandria, Louisiana: Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, Wyoming.
Fort Myers, Florida: Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia.

(10) *Sitka spruce—MPR 290.* Portland, Oregon (except that in the State of Washington, use Seattle, Washington).

(11) *Western Red Cedar Lumber—MPR 402.* Seattle, Washington.

(12) *Tidewater Red Cypress Lumber—MPR 412, Tables 2, 4, 6, 7, 8, 11 and 17.*

Perry, Florida: Alabama, Connecticut, Delaware, District of Columbia, Florida, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin.
Ponchatoula, Louisiana: Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming. Distribution yards located in these states may make the additions allowed for Louisiana producers in calculating mill prices. See Section 24 of MPR 412.
Albany, Georgia: Georgia and Tennessee.
Sumter, South Carolina: North Carolina and South Carolina.

(13) *Northern hardwood flooring; MPR 432:* Wells, Michigan.

(14) *Oak, pecan and miscellaneous hardwood flooring; MPR 458:* Johnson City, Tennessee.

[Subparagraphs (12), (13) and (14) amended by Am. 2, 9 F.R. 2553, effective 3-10-44]

(15) Yellow cypress lumber—MPR 513.

Alexandria, Lousiana—Louisiana and Texas.
Mobile, Alabama—Alabama and Mississippi.
Macon, Georgia—Georgia and Florida.
Columbia, South Carolina—South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia.
Memphis, Tennessee—Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, New Mexico, Colorado, Wyoming, Montana, Idaho, Nevada, Utah, Arizona, California, Washington and Oregon.

[Subparagraph (15) added by Am. 5, 9 F.R. 5314, effective 5-22-44]

(16) Aromatic Red Cedar Lumber—MPR 454, Closet lining only. Greensboro, North Carolina.

[Subparagraph (16) added by Am. 8, effective 10-14-44]

(b) *Minimum rate.* If the distribution yard is located at the basing point, or within a radius of 10 miles from such point, or at a point which takes a lower freight rate (as determined in section 16 (c)) than 10 cents per cwt., a rate of 10 cents per cwt. may be used to figure inbound transportation charges.

(c) *Estimated weights.* Yards must use estimated average weights where provided for by any applicable price regulation. In the case of cedar closet lining an average weight of 900 lbs. per thousand surface feet shall be used to compute the inbound transportation addition.

[Paragraph (c) amended by Am. 8, effective 10-14-44]

(d) *Trucking from railhead to yard site in certain areas.* The provisions of this paragraph apply only to the Mountain States, Northwest and Texas Areas. Where the distribution yard is located at a distance greater than 10 miles from the nearest railhead it may add to its transportation charges, figured in accordance with paragraphs (b) and (d) of this section, for the cost of trucking from the railhead to the yard's site, an amount not to exceed the following: $2.00 per M'BM for any distance over 10 miles and less than 20 miles; $2.50 per M'BM for any distance 20 miles or greater. Distance is to be determined by the speedometer reading for the shortest route between the railhead and yard site, or as indicated on the official state highway road map.

SEC. 8. *Combination grades.* Lumber sold on combination grades may not be sold above the maximum price for the lowest priced grade actually named in the combination, as stated in the applicable mill regulation. But it is permissible to quote a grade with specified percentages of higher grades: *Provided,* That when the lumber is shipped, lumber of each grade is tallied on a board foot basis and invoiced separately at prices not in excess of ceiling prices for the respective grades.

SEC. 9. *Items in distribution yard stock when specific price is deleted from a mill regulation.* Where an amendment to, or a revision of, a mill schedule deletes a specific price for an item theretofore priced, a distribution yard having stocks of the item in inventory or actually in transit on the effective date of the amendment or revision shall have 45 days from the effective date thereof within which to sell these stocks on the basis of ceiling prices in effect before the deletion. Thereafter, it may not use the additions previously established in computing its selling price.

SEC. 10. *Items specially priced under mill regulations.* Where a producer establishes a specific price for an item under a special pricing provision of a mill schedule, any distribution yard selling that item may use the price so established in figuring its selling price under this regulation, provided it first obtains from the producer written assurances that an authorization has been issued to him, and provided further, that the distribution yard files a copy of its purchase invoice with the Lumber Branch of the Office of Price Administration, Washington, D. C.

SEC. 11. *Special rules for sales by "CPA contract yards".*—(a) *Special rule on ripping and resawing by "CPA contract yards" in emergencies.* (1) If an emergency arises in which the Central Procuring Agency is unable to obtain needed board and dimension for a particular job except through ripping and resawing of timber by a "CPA contract yard", the yard may use the f. o. b mill maximum price for the original size to be ripped or resawn, and make the additions for ripping and resawing provided in the table in section 13 even though the final size is a standard size of board or dimension. These, however, shall be limited to a total charge for not more than three cuts, either ripping or resawing or any combination of the two.

(2) A proper showing shall be made by the yard in these cases, which shall consist of a statement establishing that the board and dimension sold was actually derived by remanufacturing heavier lumber at the yard, a listing of the original sizes from which the board and dimension has been derived and copies of invoices covering the transaction. This statement must be submitted to the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days after the transaction has been completed.

(b) *Special rule on lumber in transit.* A sale by a "CPA contract yard" may be considered a sale out of distribution yard stock even if the sale was made while the lumber was in transit to the yard. Of course, if the lumber was not actually put through the yard, as for example, where lumber sold in transit is merely rerouted to the purchaser, or reloaded and delivered, the direct-mill regulation applies.

SEC. 12. *Delivery charges.*—(a) *Sales other than "wholesale-type".* (1) The mark-ups for sales other than "wholesale-type" in the North Atlantic, North Central, Florida and Southern areas include delivery within a radius of 25 miles. For deliveries more than 25 miles an addition of 10 cents per M'BM may be made for each mile beyond the first 25, but not for any part of the return trip. If the buyer picks up the lumber at the yard, no reduction in price is required.

(2) The mark-up for sales (other than "wholesale-type") in the Great Plains, South Central, California, Texas, Louisiana, Mountain States, and Northwest areas include delivery within a radius of 10 miles to those classes of customers to whom free delivery was extended in March 1942 and thereafter. For deliveries of more than 10 miles to such classes of customers an addition of 10 cents per M'BM may be made for each mile beyond the first 10, but not for any part of the return trip. If the buyer picks up the lumber at the yard, no reduction in price is required.

To all classes of customers to whom free delivery was not included in March 1942 and thereafter an additional charge for delivery may be made: *Provided,* That such charge does not exceed that made for the same type of delivery during March 1942.

(b) *"Wholesale-type" sales.*—(1) *Private truck.* When delivery is by truck

owned or controlled by the seller, the amount added for delivery may not be more than the actual cost to the seller of delivery by truck. This "actual cost" may not be higher than the over-all average trucking cost for a similar delivery arrived at as of the 12-month period ending December 31, 1942.

(2) *Common or contract carrier.* When delivery is by common or contract carrier, only the actual amount paid to the carrier may be added. However, the permitted estimated weights for rail shipment in the appropriate direct-mill regulation may be used, where given, in the event of delivery by rail. If delivery by rail is on a transit rate, that rate is the maximum which may be used in computing the addition for delivery.

[Subparagraph (2) amended by Am. 8, effective 10–14–44]

SEC. 13. *How to figure additions for working, kiln drying and pressure treatment*—(a) *Basic workings.* When a distribution yard is required to perform workings, the following additions per M'BM may be made to the maximum price of the most economical size from which the desired item may be obtained, *Provided:*

(1) The end product is not a standard size, or a size reasonably similar thereto, as shown in the applicable mill regulation (Example: If a yard resaws 2x6 S4S and the end product is a board $2^{3}\frac{1}{32}$'' thick, this is a size "reasonably similar" to standard thickness of $2^{5}\frac{1}{32}$''); or

(2) The end product is thicker than 2'', wider than 12'' or longer than 22'; or

(3) The end product is an "upper bracket" item other than flooring, siding, ceiling or partition, and the sale is of the type on which the mark-up in this regulation is not over $5.00 per M'BM plus 10%.

[Paragraph (a) amended by Am. 4, 9 F.R. 4227, effective 5–3–44; Am. 5, 9 F.R. 5314, effective 5–22–44; and Am. 8, effective 10–14–44]

MAXIMUM MILLING CHARGES

	4/4, 5/4, 6/4		2 inches		3 and 4 inches		5 x 5 inches to 8 x 8 inches		6 x 10 inches and larger		Permitted minimum charges
	On all sales where mark-up is $5 and 10%	All other sales	On all sales where mark-up is $5 and 10%	All other sales	On all sales where mark-up is $5 and 10%	All other sales	On all sales where mark-up is $5 and 10%	All other sales	On all sales where mark-up is $5 and 10%	All other sales	
S1S, S2S	$3.00	$5.25	$2.50	$4.50	$2.50	$4.50	$3.00	$5.25	$4.00	$7.00	$1.50
S3S, S4S	3.00	5.25	2.50	4.50	2.50	4.50	3.00	5.25	4.00	7.00	1.50
D & M, shiplap, grooved, beveled sleepers	3.50	6.25	3.00	5.25	3.00	5.25	6.00	10.50	6.00	10.50	1.75
Drop siding and ceiling	3.50	6.25	3.00	5.25							1.75
Outgauging and special patterns	7.50	13.25	7.50	13.25	7.50	13.25	7.50	13.25	7.50	13.25	3.75
Crosscutting	1.00	1.75	1.00	1.75	1.00	1.75	2.00	3.50	2.00	3.50	.50
Ripping	1.50	2.75	1.50	2.75	1.50	2.75					.75
Resawing	2.00	3.50	2.00	3.50	2.00	3.50	2.00	3.50	3.00	5.25	1.00

NOTES: (1) Where the total charge figured on an M'BM basis is less than the minimum shown in the table, the minimum charge may be added.

(2) The cross-cutting addition may be made only as many times as are necessary to produce the desired length from the shortest standard multiple of that length in the size and grade required. The final cost, including cross-cutting and waste, may not exceed the most economical final cost of producing the required length.

(3) The total charge for ripping and resawing may not include additions for more than three rips, and/or resaws.

[Former Note (4) redesignated as (3) and former (3) deleted by Am. 8, effective 10–14–44]

(b) *Kiln-drying.* For kiln-drying, done at the yard, an addition of double the addition permitted by the applicable direct-mill regulation may be made.

(c) *Custom milling or kiln-drying.* Where the required working or kiln-drying cannot be performed by the distribution yard making the sale because it does not have the necessary facilities, the yard may add to the maximum price of the original size the actual cost of having the working or drying performed at a custom establishment provided the end product produced is a non-standard size or an item larger than boards or dimension. If the distribution yard has the facilities to perform the required workings or drying the maximum charges in paragraphs (a) and (b) of this section apply. If the end product is a standard or near standard size of boards or dimension, no additions may be made and the maximum price must be computed on the basis of the item produced.

No addition may be made for transportation to or from the custom establishment.

(d) *Custom pressure treating.* Where pressure treating of untreated lumber in the yard's stock at time of sale is required, and the distribution yard making the sale does not have the necessary facilities, the yard may make the additions shown below. If the yard has the necessary treating facilities, MPR 491, Pressure Preservative Treatment of Forest Products and Pressure Treated Forest Products, is applicable.

(1) Douglas Fir, West Coast hemlock, all species of true fir, redwood, sitka spruce and Western red cedar. (Retention up to and including 20 lbs.) The total of the additions in (i), (ii) and (iii) may be made:

(i) Treating addition:

(*a*) Sales of 10,000 feet or more: $20.50 per M'BM.

(*b*) Sales of 2,000 feet to 10,000 feet: $23.75 per M'BM.

(*c*) Sales of less than 2,000 feet: $20.50 per M'BM plus a flat addition of $7.00 regardless of quantity.

(ii) Cost of transportation to buyer's destination by way of treating plant.

(iii) Cost of preservative in accordance with section 6 (d).

(2) For all other species, deduct $4.00 per M'BM from above prices.

NOTES: (1) For pressure treating to a retention over 20 lbs. to 22 lbs. (inclusive), add $5.00 per M'BM; over 22 lbs. to 24 lbs. (inclusive), add $15 per M'BM; over 24 lbs., add $20.00 per M'BM.

(2) The quantities referred to in this subsection are the total amounts of treated lumber involved in the transaction.

[Paragraph (d) amended by Am. 8, effective 10–14–44]

(e) [Deleted.]

[Paragraph (e) deleted by Am. 4, 9 F.R. 4227, effective 5–3–44]

[Sec. 13 amended by Am. 1, 9 F.R. 221, effective 1–11–44; and Am. 2, 9 F.R. 2553, effective 3–10–44]

SEC. 14. *Special specifications, workings, or extras.* For special workings, specifications, services or extras not specifically priced under any provision of this regulation, the seller should apply to the Lumber Branch of the Office of Price Administration, Washington, D. C., for instructions. In the application the seller must set forth the amount customarily charged (not to exceed the maximum price fixed by the regulation previously controlling), for the special working, specifications, service or extra, or in the absence of a customary charge, the amount which in his opinion represents a fair and reasonable charge, together with a statement of how it was arrived at. Instructions will be furnished by letter or telegram. After filing an application the seller may quote and deliver at the requested price, but must not accept final payment until a price has been approved. If a price is not approved within 30 days after application has been made, the price for which approval is requested shall be deemed to have been approved and may be used by the seller. Instructions issued pursuant to this paragraph apply only to the particular seller who has applied for them.

SEC. 15. *What the invoice must contain.* All invoices must contain a suf-

ficiently complete description of the lumber to show whether the price is proper or not; i. e. grade, quantity, size, condition of dressing, pattern, species, and any other extra or specification which affects the maximum prices. The amount added for each specification or extra does not have to be separately shown; except on sales of lumber to be shipped outside of the United States, in which event, the invoice must also show the actual expenses incurred in making such shipments. The invoice must also show whether working, dry-kilning, or treating was done by a distribution yard or custom establishment; if done by a custom establishment a copy of the bill for such services must be attached to the distribution yard invoice. Any addition for delivery must be shown separately on the invoice.

[Sec. 15 amended by Am. 2, 9 F.R. 2553, effective 3-10-44]

ARTICLE III—MISCELLANEOUS

SEC. 16. *Definitions*—(a) *Distribution yard.* "A typical distribution yard" is a wholesale or retail lumber yard which gets lumber from mills or other yards; unloads, sorts, and resells or redistributes it; which regularly maintains a varied stock of lumber from different regions; which gets its lumber, except for local species, mostly by rail and sells mostly for truck shipment; which is equipped to make quick deliveries of many different items of lumber; and which has been located at its particular site in order to be near a lumber consuming area.

NOTE: This is given merely as a general guide and must be supplemented in the sale of any particular species by the specific requirements of the mill ceiling regulation covering that species.

(b) *Sale out of distribution yard stock.* A sale out of distribution yard stock means a sale made by a distribution yard for shipment of lumber which was a regular part of its stock at the time the order was taken. However, sales of lumber to a purchaser whose certified order is extended to obtain lumber from a mill in accordance with War Production Board Order No. L-335 for delivery to that particular purchaser may be construed to meet the requirements of the preceding sentence provided the lumber is actually stored and handled as regular yard stock by the distribution yard before delivery. Sales of lumber subject to release by the Canadian Controller of Timber and requiring end use as a condition of release may likewise be considered sales out of distribution yard stock provided the lumber is actually stored and handled as regular yard stock by the distribution yard before delivery.

[Paragraph (b) amended by Am. 5, 9 F.R. 5314, effective 5-22-44; and Am. 7, 9 F.R. 10094, effective 8-18-44]

(c) *Applicable basing points.* The term "applicable basing points" as used in this regulation means points of origin to be used based on rates set forth in the tariffs of railroad carriers in determining incoming transportation charges.

(d) *Quantities.* Quantity is in every instance to be determined by the total amount ordered without regard to the number of kinds or species or grades of lumber included. Furthermore, the amount delivered at a particular time does not determine the quantity. The test is the total amount involved in the transaction.

In determining the size of a sale of shingles or lath, a conversion ratio of 10 squares of shingles to 1,000 board feet of lumber and 6,000 lath to 1,000 board feet of lumber shall be used.

[Paragraph (d) amended by Am. 2, 9 F.R. 2553, effective 3-10-44]

(e) *Wholesale and CPA yards.* A wholesale distribution yard means any distribution yard which, during either of the calendar years 1940 or 1941 sold 50 percent or more of its dollar volume of softwood lumber and/or hardwood flooring to other distribution yards, wholesale or retail. In determining the dollar volume of softwood lumber and/or hardwood flooring hereunder, direct mill sales shall not be included. The mark-ups in this section also apply to all "CPA contract yards". "CPA contract yards" are distribution yards operating under a "letter of intent" or other form of agreement with the Central Procuring Agency, under which the yard maintains a stockpile of lumber at the instruction of that Agency for distribution and sale pursuant to its directions or consent.

(f) *Retail yard.* A retail distribution yard means any distribution yard which during both the calendar years 1940 and 1941 sold more than 50 percent of its dollar volume of softwood lumber and/or hardwood flooring to persons other than distribution yards, wholesale or retail. In determining the dollar volume of softwood lumber and/or hardwood flooring hereunder, direct mill sales shall not be included.

(g) *"Wholesale-type" sale.* A "wholesale-type" sale is a sale in any quantity of lumber for use in stowing cargo for water shipment or a sale of 5,000 ft. B. M. or more made to one of the following classes of buyers: ("to" means directly to the person named; "for" means to contractors who will use the lumber to fulfill a contract with the person named.)

[Paragraph (g) amended by Am. 8, effective 10-14-44]

(1) To or for the United States Government or its agencies;

(2) To, but not for, State Governments (including the District of Columbia) or their political subdivisions; or agencies of any of these;

(3) To an industrial user for use in the fabrication, packaging or shipping of its products;

(4) To, but not for, a railroad;

(5) To or for a shipbuilder, dockbuilder, dam builder, or bridge builder.

(h) [Deleted]

[Paragraph (h) added by Am. 2, 9 F.R. 2553, effective 3-10-44; and deleted by Am. 8, effective 10-14-44]

SEC. 17. *What records must be kept.* All distribution yards must keep records which will show a complete description of the items of lumber sold (i. e. grade, condition of dressing, quantity, etc.), the name and address of the buyer, the date of the sale and the price for a period of two years. (On sales amounting to less than $7.50 records showing the name and address of purchaser are not necessary.) They must keep similar records of all purchases.

SEC. 18. *Prohibited practices*—(a) *General.* Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this regulation as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings and the like.

(b) *Specific practices.* The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by changing credit practices or cash discounts from what they were in August 1941. This includes reducing the cash discount period, decreasing credit periods, or making greater charges for extension of credit. For purposes of this paragraph, no discount over 2 percent is considered a cash discount. However, on specific written allocations issued by the Office of the Chief of Engineers, War Department, the terms 30 days net may be used by the seller regardless of his established practice.

(2) Selling as specified lengths a shipment of lumber which is substantially equivalent to standard or random lengths.

(3) Grading as a special grade lumber which can be graded as a standard grade; or wrongly grading or invoicing lumber in any other way.

(4) Refusing to sell on an f. o. b. yard basis, and insisting on selling on a delivered basis, except in the case of sales whose price includes free delivery; or refusing to make delivery within the free delivery zone, unless it was not the practice of the seller in March 1942 to make delivery in the particular circumstances, in which case the delivery charge may not exceed that made for the same type of delivery in March 1942.

(5) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(6) Breaking up an order which would normally be a single order into a series of smaller orders in order to evade the maximum price limitations in this regulation.

(7) Delivering or charging for a quantity under 1,000 ft. B. M., where 1,000 ft. or more was ordered, for the purpose of getting the higher mark-up permitted for quantities less than 1,000 ft.

(8) Failing to invoice properly and in accordance with requirements of this regulation.

(9) Charging, paying or receiving a commission for the service of procuring, buying, selling, or locating lumber, or for

any related service (such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber, except as may be provided in any applicable mill regulation. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, in so far as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

SEC. 19. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 20. *Petitions for amendment or applications for adjustment*—(a) *Government contracts.* See Procedural Regulation No. 6 [17] for adjustment provisions on certain government contracts or subcontracts.

[Paragraph (a) amended by Supplementary Order No. 83, 9 F.R. 973, effective 2-1-44]

(b) *Petition for amendment.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,[18] issued by the Office of Price Administration.

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

SEC. 21. *Enforcement.* (a) Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this regulation. Persons who make sales covered by this regulation to war procurement agencies and buyers to whom lumber has been allocated by any such agencies are, however, subject to all the liabilities imposed by this regulation. "War procurement agencies" include the War Department, the Navy Department, the United States Maritime Commission and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies. Such agencies are nevertheless subject to this regulation.

[NOTE: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the Office of Price Administration shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or subcontracts.]

SEC. 22. *Licensing.* The provisions of Licensing Order No. 1,[19] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 23. *Approval of yard operations*—(a) *New yards.* In order to prevent violations of this regulation, by unnecessary routing of lumber through distribution yards, the Office of Price Administration will not recognize any distribution yard set up after December 31, 1942 (or the date set in the section on this subject in the applicable mill regulation, if different), unless the person establishing such yard writes to the Office of Price Administration, Lumber Branch, Washington, D. C., and offers proof that such yard satisfies the requirements of the definition "distribution yard" and that the purpose is not to get around the mill regulations or to get the benefit of the mark-ups provided for herein by means of unnecessary distribution yard business. Until approval is received, the proposed new yard cannot consider itself licensed by the Office of Price Administration, or consider itself a distribution yard for the purpose of this or of any other regulation issued by the Office of Price Administration.

(b) *Combination mill and retail operation.* Where a mill carries on a retail yard business at or adjacent to the mill and does not qualify as a distribution yard under this regulation, the mill may apply to the Lumber Branch, Office of Price Administration, Washington, D. C., for permission to use the mark-ups in the regulation. The Price Executive may, by letter, authorize the use of the mark-ups in the regulation only on sales of grades, species and sizes of lumber not produced by the applicant's mill within the 12 months' period preceding the date of the application.

[Text of section 23 designated (a) and paragraph (b) added by Am. 8, effective 10-14-44]

SEC. 24. *Relation to other regulations* — (a) *General Maximum Price Regulation.* Sales subject to this regulation are not subject to the General Maximum Price Regulation [20]; except that sales, purchases and deliveries of products covered by this regulation which originate outside of and are imported into the continental United States and not covered by specific mill regulations are governed by the Maximum Import Price Regulation.[21]

(b) *Second Revised Maximum Export Price Regulation.*[22] Maximum prices for export sales of commodities covered by this regulation are governed by the Second Revised Maximum Export Price Regulation.

This regulation shall become effective October 21, 1943. [2nd Rev. MPR 215 originally issued October 15, 1944]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15633; Filed, Oct. 9, 1944; 11:39 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 518,[1] Amdt. 2]

ROUGH RICE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 518 is amended in the following respects:

1. Section 3 (a) (7) is amended to read as follows:

(7) "Country shipping point" is a place having facilities such as a warehouse or grain elevator equipped with suitable scales or railroad facilities customarily used for the storage, marketing and loading for shipment of rough rice, except that in the State of California any point at which there is located a rice dryer shall also be considered a country shipping point. If a farm has such facilities located thereon,

[17] 9 F.R. 10628.
[18] 9 F.R. 10476.
[19] 8 F.R. 13240.
[20] 9 F.R. 1385, 5169; 6106, 10193.
[21] 9 F.R. 2350
[22] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036, 9835.

*Copies may be obtained from the Office of Price Administration.
[1] 9 F. R. 2656, 5440.

that farm shall be deemed a country shipping point as to rice grown on it.

2. Section 3 (a) (9) is revoked and a new section 3 (a) (9) is added to read as follows:

(9) "Appraised rough rice" means rough rice grown in the State of California which has been appraised by a customary, neutral agency on the basis of a representative sample submitted by either the seller or the buyer.

3. Section 3 (a) (10) and (11) are added to read as follows:

(10) "Unappraised rough rice" means all rough rice grown in the State of California other than appraised rough rice.

(11) "Base quality" means rough rice grown in the State of California which is appraised to yield upon milling 48 pounds of whole kernels (with a tolerance of 4 percent broken kernels) and 70 pounds total milled rice (all classes) for each 100 pounds of rough rice.

4. Section 5 (a) (2) and (3) are redesignated 5 (a) (3) and (4), respectively, and a new section 5 (a) (2) is added to read as follows:

(2) The maximum price for the sale and delivery of unappraised rough rice per 100 pounds, bulk, f. o. b. San Francisco, shall be $3.00.

5. Section 7 is amended to read as follows:

SEC. 7. *Increases for sacks.* When any person sells any rough rice, sacked and has furnished the sacks, the maximum price per bushel, barrel or 100 pounds (excluding the weight of the sacks) shall be the maximum price for a like sale of rough rice, bulk, plus the reasonable value (not exceeding any maximum price established thereon) of the sacks actually furnished by the seller. The value of the sacks used is to be determined immediately before the rice in question is placed in the sacks.

6. Section 9 (a) is amended to read as follows:

(a) Whenever the purchaser of any lot of rough rice assumes or agrees to pay any charges incurred prior to the time of sale for storage, warehousing or other services, with or without a specific charge being made for the same, the maximum price for the sale of rough rice as established in sections 4 and 5 hereof shall be reduced by the amount assumed or paid for such services or, when no specific charge has been made, by the reasonable value of such services.

7. Section 10 is amended to read as follows:

SEC. 10. *Evasion.* Any method whereby a seller obtains greater consideration than the maximum price, or whereby he gives less than the consideration due the buyer for the maximum price is an evasion of this regulation, and therefore, prohibited; any offer or agreement which accomplishes or attempts to accomplish such results is equally prohibited.

8. Section 18 is amended to read as follows:

SEC. 18. *Position of commission agents of buyers.* (a) In no case may a commission agent of a buyer or any other person negotiating the purchase or sale of rough rice receive a fee if the sum of that fee and the amount paid by the buyer to the seller exceed the seller's maximum price: Except, that any person who functioned as a commission agent of purchasers of rough rice during the base period April 1, 1942, to April 1, 1944, may in any consecutive twelve month period, receive such a fee for his services on a quantity of rough rice equal to the quantity purchased by him on a commission basis in any consecutive twelve month period included in the base period. The amount of the fee received per 100 pounds of rough rice shall not exceed the average commission per 100 pounds which he charged during the period from April 1, 1942 to April 1, 1944, and in no case may the amount of this fee exceed 5 cents per 100 pounds.

(b) Any person receiving a fee under the provisions of this section shall within thirty days after October 14, 1944 register with the nearest District Office of the Office of Price Administration and present evidence of the fact that he functioned as a commission buying agent for purchasers of rough rice during the base period from April 1, 1942, to April 1, 1944, stating specifically the quantity of rough rice handled by him on a commission basis during each month of the base period.

(c) No restriction or limitation is placed on persons accepting commissions or fees in connection with the purchase or sale of rough rice at prices which, when added to such commission or fee, do not exceed the maximum price in this regulation for the particular variety in question.

This amendment shall become effective October 14, 1944.

NOTE: The reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 9th day of October 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

Approved: September 30, 1944.

ASHLEY SELLERS,
Acting War Food Administrator.

[F. R. Doc. 44-15632; Filed, Oct. 9, 1944; 11:38 a. m.]

PART 1445—LIVESTOCK

[MPR 469,[1] Amdt. 8]

LIVE HOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 469 is amended in the following respects:

1. Section 4 (a) is amended to read as follows:

(a) (1) The ceiling price for any lot of live hogs sold by a dealer shall be the applicable ceiling price determined as required by the provisions of section 3: *Provided,* That a dealer may collect from the buyer, in addition to the applicable ceiling price, a service charge not to exceed:

$15 per shipment of more than 26,000 pounds;
$14 per shipment of 26,000 pounds or less but more than 24,000 pounds;
$13 per shipment of 24,000 pounds or less but more than 22,000 pounds;
$12 per shipment of 22,000 pounds or less but more than 20,000 pounds;
$11 per shipment of 20,000 pounds or less but more than 18,000 pounds;
$10 per shipment of 18,000 pounds or less but more than 16,000 pounds;
$9 per shipment of 16,000 pounds or less but more than 14,000 pounds;
$8 per shipment of 14,000 pounds or less but more than 12,000 pounds;
$7 per shipment of 12,000 pounds or less but more than 10,000 pounds;
$6 per shipment of 10,000 pounds or less but more than 8,000 pounds;
$5 per shipment of 8,000 pounds or less but more than 6,000 pounds;
$4 per shipment of 6,000 pounds or less but more than 4,000 pounds;
$3 per shipment of 4,000 pounds or less but more than 2,500 pounds;
$2 per shipment of 2,500 pounds or less but not more than 25 cents per head.

(2) "Shipment," as used in paragraph (a) (1) above, means each carload, less than carload, truckload, wagonload, boatload or driven consignment.

2. Section 4 (c) is added to read as follows:

(c) "Public market" means a stockyard which is under the jurisdiction of the Secretary of Agriculture pursuant to the Packers and Stockyards Act of 1921, as amended.

3. Section 11 (c) is added to read as follows:

(c) "Public stockyard" means any stockyard under the jurisdiction of the Secretary of Agriculture pursuant to the Packers and Stockyards Act of 1921, as amended.

4. Schedule I of section 13 is amended by changing the ceiling price stated for Joplin, Missouri from "14.40" to "14.35".

5. Schedule II of section 13 is amended by adding the following line in its appropriate alphabetical position:

Mitchell, S. D.	14.25

6. Item 5 of Schedule III of section 13 is amended to read as follows:

5. Idaho:	
(a) Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Clearwater, Nez Perce, Lewis, Idaho	15.05
(b) Adams, Washington, Valley, Payette, Gem, Boise, Canyon, Ada, Elmore, Owyhee	14.95
(c) All counties except those cited in 5 (a) and 5 (b)	14.75

[1] 8 F.R. 12562, 13741, 13847, 9 F.R. 694, 1522, 2654, 5075, 5435.

7. Item 11 (a) of Schedule III of section 13 is amended by changing the ceiling price stated therein from "14.45" to "14.25".

8. Item 25 (a) of Schedule III of section 13 is amended by changing the ceiling price stated therein from "14.20" to "14.30".

9. Item 43 (a) of Schedule III of section 13 is amended by placing a comma after "Stafford" and adding thereto the counties of "Augusta, Highland".

This amendment shall become effective October 14, 1944.

Issued this 9th day of October 1944.

CHESTER BOWLES,
Administrator.

Approved: September 30, 1944.

ASHLEY SELLERS,
Acting War Food Administrator.

[F. R. Doc. 44-15629; Filed, Oct. 9, 1944; 11:37 a. m.]

PART 1499—COMMODITIES AND SERVICE

[Order 108 Under 3 (b), Amdt. 5]

SELLERS OF HIGH WINES

For the reasons set forth in an opinion issued simultaneously herewith, § 1499.972 is amended in the following respects:

1. Section 1499.972 (a) is amended by adding the following paragraph at the end thereof:

Limitation on increased depreciation charges because of transfer of plant ownership. Where the ownership of a high wines plant has been transferred since July 18, 1944, the amount of depreciation which the transferee of such plant may charge as a cost of producing high wines during any period shall not exceed the dollar amount of depreciation that the owner of the plant on July 17, 1944, would have been entitled to charge as a cost of producing high wines for the same period if no transfer or transfers had taken place; *Provided,* That, irrespective of the date of transfer subsequent to September 30, 1942, if at the time of transfer there existed a substantial community of interest between the transferee and transferor, the transferee may not charge an amount of depreciation greater than the dollar amount that the transferor would have been entitled to charge for the same period if no transfer had taken place.

2. Section 1499.972 (c) is amended by changing the phrase "on the form contained in Appendix A" to read "upon a form to be obtained from that Office upon request."

3. Section 1499.972 (d) is revoked.

This amendment shall become effective October 14, 1944.

Issued this 9th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15634; Filed, Oct. 9, 1944; 11:39 a. m.]

Chapter XIII—Petroleum Administration for War

[Petroleum Dir. 59, as Amended Dec. 1, 1943, Amdt. 3 [1]]

PART 1510—SUPPLY

MISCELLANEOUS AMENDMENTS

1. Section 1510.31 (Petroleum Directive 59, as amended December 1, 1943, 8 F.R. 15792) is hereby amended by changing § 1510.31 (d) to read as follows:

§ 1510.31 *Distribution of available supplies.* * * *

(d) *Redistribution of supplies.* If, within any zone, the amount of any principal petroleum product available to an original supplier is insufficient to meet the rationed demand of persons currently buying from it, then such original supplier may apply to the committee for a reassignment to it of additional supplies of such principal petroleum product. The application shall be in writing and shall contain the following information: (1) The estimated amount of additional product needed; (2) the inventory of such principal petroleum product in storage facilities within the zone, having a capacity of 5,000 barrels or more, which are owned or controlled by the applicant or by intermediate suppliers receiving all or a portion of their supplies from the applicant; (3) a statement explaining the shortage; and (4) such other information as may from time to time be requested. If the Committee, after taking into account supplies available for distribution within the zone and the relative requirements of all other original suppliers therein, determines that the applicant should be awarded additional supplies to enable it to make deliveries to its customers in the same proportion as deliveries are generally being made in the area to like persons, then, the Committee shall assign, with the approval of the petroleum administration for war, to the applicant the amount of such product or products required by the applicant as is determined is needed for such purpose and is fair and equitable under the circumstances. Reassignment shall be made from the inventory of principal petroleum products belonging to other original suppliers or from principal petroleum products thereafter assigned to other original suppliers under § 1510.31 (c), which supplier or suppliers appear, after taking into account expected receipts, their existing inventory, the inventory of intermediate suppliers supplied by them and such other factors as may be pertinent, to have a greater proportion of such principal petroleum products than will be required to meet the rationed demand of their customers in the same proportionate amount as deliveries are generally being made in the area to like persons. Redistribution shall be effected by the Committee directing the owner or owners of the product for which a reassignment is issued to transfer a designated amount of such product to the original supplier in whose favor the reassignment is drawn, and such original supplier shall thereupon immediately remove such product or make other arrangements with respect thereto. The parties to any such reassignment shall agree upon a price at which such reassignment is to be made, which shall not exceed the lower of the two sums determined by Method A and Method B following:

Method A: Add to the reassignor's maximum assignment price permitted to be charged under § 1510.32 hereof, at point of delivery, the applicable sum shown below:

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Automotive gasoline (cents per gallon)	1.00	1.00	1.00	1.00	1.00	1.00
Kerosene (cents per gallon)	.50	.50	.75	.75	.75	.50
Distillate (cents per gallon)	.25	.25	.25	.25	.25	.25
Residual (cents per barrel)	5.00	5.00	5.00	5.00	5.00	5.00

Method B: Subtract from the maximum prices permitted by the Office of Price Administration as described below, to be charged by the seller for delivery at the point where the reassignment is honored, the applicable sum shown below.

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Automotive gasoline: Undivided dealer tank wagon price (in cents per gallon)	1.00	1.00	1.00	2.00	2.00	1.00
Kerosene:						
Yard price (in cents per gallon)	.20	.20	----	----	----	----
Tank wagon price (in cents per gallon)	----	----	2.50	2.50	2.50	2.00
Distillate: Tank wagon price (in cents per gallon)	1.75	1.75	1.75	1.75	1.75	1.75
Residual: Tank car price (in cents per barrel)	0	0	0	0	0	0

Provided, however, That if the price which would result pursuant to the foregoing would be less than the price determined pursuant to the maximum price formula of § 1510.32, the maximum price permitted to be charged shall not be less than such maximum price permitted to be charged under § 1510.32, *and provided further,* That if the parties to any such reassignment are unable to agree upon a price pursuant to this § 1510.31 (d) it shall be determined by the Director in Charge, Petroleum Administration for War, District One, or by such person or persons as such Director may designate.

2. Section 1510.32 (Petroleum Directive 59, as amended December 1, 1943, 8 F.R. 15792) is hereby amended by changing subparagraph 6 of § 1510.32 (a) and § 1510.32 (b) to read as follows:

§ 1510.32 *Maximum price formula.* * * *

(a) *Sales made in Zones One, Two, Three, Four, or Five.* (6). Any and all Governmental taxes and fees which the seller is required to pay with respect to the sale of the product sold or the transportation either of such product or of the crude petroleum from which such product is manufactured, for which taxes no

[1] See Certificate 158, Amdt. 3, War Production Board, *infra.*

recovery may be had under Petroleum Compensatory Adjustments Regulation No. 1, as amended or revised. For taxes imposed with respect to transportation, regardless of point of origin or method of shipment, a reasonable charge may be made not to exceed a sum determined as follows: Each original supplier shall develop, for each calendar month, a transportation tax cost per unit for each product, separately for each supply terminal area or supply area from which products are delivered on assignment, and the applicable transportation tax cost per unit shall be applied based on the time of actual delivery of the product. The transportation tax costs per unit applicable to a calendar month are to be developed by dividing (a) the quantity received or manufactured during the second preceding calendar month into (b) the transportation taxes payable on such quantity. "Quantity received or manufactured" shall represent the total quantity of each product received or manufactured at a supply terminal area or supply area as unassigned inventory. "Transportation taxes payable" shall represent the sum of the following: (a) All transportation taxes payable on the quantity of each product moved, by one or more methods of transportation, from the point where the supplier obtained title to the product. (b) Transportation taxes payable on the quantity of crude oil received at refineries in PAW District One for purposes of refining. Such tax shall be apportioned to each product manufactured, including fuel burned by refineries, on basis that the percentage of yield of each product bears to the total yield of all products from the crude oil refined. (c) Less that portion of revenue price increases that are not required to be remitted to Defense Supplies Corporation, as provided in paragraph (5) (a) (iii) (c) of Amendment No. 2 to Petroleum Compensatory Adjustments Revised Regulation No. 1. Such credits applicable to a product shall be apportioned to supply terminal areas or supply areas as may be determined by the Director in Charge, District One, Petroleum Administration for War.

(b) *Sales made in Zone Six.* If delivery be made in Zone Six, the terms of such sale shall be mutually agreed upon by the parties provided:

(1) If the seller has a normal method of transportation as defined and determined under Petroleum Compensatory Adjustments Revised Regulation No. 1, to the supply terminal area or supply area in which the assignment is made, the price shall not exceed a sum determined pursuant to paragraph (a) of this section (as if such paragraph applied also to deliveries made in Zone Six), except that in the case of a sale by an original supplier who does not pay or account, under Petroleum Compensatory Adjustments Revised Regulation No. 1, for the amount of any revenue price increase in respect thereof, to an original supplier who does so pay or account for such increase, the maximum price so determined shall be reduced by the amount of such revenue price increase.

(2) If the seller does not have such a normal method of transportation, the price shall not exceed such maximum price as may be established under any maximum price regulation or other order of the Office of Price Administration applicable to the particular sale.

If the parties cannot agree upon the price pursuant to this paragraph (b), the dispute shall be referred to the Petroleum Administration for War for such action as may be directed.

(c) This amendment shall become effective September 28, 1944.

(E.O. 9276, 7 F.R. 10091; E.O. 9319, 8 F.R. 3687)

Issued this 23d day of September 1944.

RALPH K. DAVIES,
Deputy Petroleum Administrator for War.

[F. R. Doc. 44-15601; Filed, Oct. 9, 1944; 11:15 a. m.]

Chapter XVIII—Office of Economic Stabilization

[Directive 12]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

CANNED AND FROZEN FRUITS AND VEGETABLES, 1944; PROCESSED BLUEBERRIES

The War Food Administrator and the Price Administrator have submitted a proposal to establish prices for processed blueberries of the 1944 pack higher in some respects, than those applicable to the 1943 pack. Because the increase in price is not one which is required by law, and because it will increase the cost of living, my approval is necessary.

In support of their proposal the War Food Administrator and the Price Administrator have shown that the State of Maine produces most of the wild blueberries used for processing; that the current crop in that state has yielded substantially less than the average of the five-year period 1938-1942 inclusive, because of adverse weather conditions, and that it amounts to only about 25% of last year's crop. They have recommended that for processed wild blueberries produced in Maine maximum prices reflecting eighteen cents per pound to growers are necessary to compensate for this reduction in yield and to secure an adequate pack of this commodity.

From the foregoing facts I find that the proposed prices are necessary to correct a gross inequity. I therefore authorize the Price Administrator to establish maximum prices for processed wild blueberries produced in Maine that will reflect to growers up to eighteen cents per pound.

Effective date: September 29, 1944.

(E.O. 9250 and E.O. 9328)

Issued this 29th day of September 1944.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 44-15523; Filed, Oct. 6, 1944; 5:05 p. m.]

[Directive 14]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

ROUGH RICE, 1944

Conferences having been held among the War Food Administration, the Office of Price Administration, and the Office of Economic Stabilization on the question whether the maximum prices on rough rice embodied in MPR 518 should be increased or removed completely; and the War Food Administration having recommended that those maximum prices either be removed or increased by 10% and certain carrying charges be allowed; and the Office of Price Administration having represented that any such increases in maximum prices for rough rice would require corresponding increases in maximum prices for milled rice and having indicated that it proposed the following changes in maximum prices for rough rice:

Name	Present	New
	Per barrel	*Per barrel*
Rexoro and Texas Patna	$7.05	$7.30
Nira	6.65	7.00
Fortuna	6.15	6.40
Edith	6.10	6.40
Blue Rose	6.15	6.15
Southern Pearl	6.15	6.20
Lady Wright	6.00	5.90
Zenith	6.15	5.90
Early Prolific	5.60	5.50
Prelude	6.10	6.25
Arkansas Rose	6.15	6.15

and the Director of Economic Stabilization being advised that substantial portions of the crop of Blue Rose, Southern Pearl, Zenith, Early Prolific, and Lady Wright varieties of rough rice have moved to market, that the War Food Administration agrees to the proposed changes in the maximum prices for the Edith, Fortuna, Nira, Rexoro, and Texas Patna varieties of rough rice, and that the proposed changes in maximum prices for the latter varieties will result in prices which are fair and equitable to producers and (in view of the present maximum prices for milled rice) to millers;

It is hereby found that adoption of those changes in the maximum prices for the Edith, Fortuna, Nira, Rexoro, and Texas Patna varieties is necessary to effectuate the policy of Executive Orders 9250 and 9328.

Therefore, the Office of Price Administration is authorized and directed to establish maximum prices for the following varieties of rough rice as follows:

Name:	*Price (per barrel)*
Rexoro and Texas Patna	$7.30
Nira	7.00
Fortuna	6.40
Edith	6.40

and to make no changes either in maximum prices for milled rice or in maximum prices for other varieties of rough rice.

Effective date: October 6, 1944.

(E.O. 9250 and E.O. 9328)

Issued this 6th day of October 1944.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 44-15524; Filed, Oct. 6, 1944; 5:05 p. m.]

[Directive 15]

PART 4004—PRICE STABILIZATION; MAXIMUM PRICES

GUM ROSIN, 1944

The War Production Board, the War Food Administration, and the Office of Price Administration having submitted certain information and recommendations to me concerning the establishment of maximum prices for gum rosin, I hereby find that it is necessary to effectuate the policies of Executive Orders 9250 and 9328, and specifically to aid in the effective prosecution of the war by encouraging production of gum rosin, to establish maximum prices for the various grades of gum rosin based upon a maximum price for Grade K of $5.85 per hundred pounds net in drums on yard, Savannah, Georgia.

Therefore, the Office of Price Administration is authorized and directed to establish maximum prices for the various grades of gum rosin based upon a maximum price for Grade K of $5.85 per hundred pounds net in drums on yard, Savannah, Georgia.

Effective date: October 6, 1944.

(E.O. 9250 and E.O. 9328)

Issued this 6th day of October 1944.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 44-15525; Filed, Oct. 6, 1944; 5:05 p. m.]

Chapter XX—Office of Contract Settlement

[Reg. 5]

UNIFORM TERMINATION ARTICLE FOR GOVERNMENT FIXED PRICE SUPPLY CONTRACTS

Pursuant to the authority conferred upon me by sections 4 (b), 6, and 20 (d) of the Contract Settlement Act of 1944, the following policies, principles, methods, procedures and standards, are prescribed to govern the provision of fair compensation to war contractors for the termination of fixed-price-war supply contracts:

1. The Statement of Principles for Determination of Costs upon Termination of Government Fixed Price Supply Contracts, approved by the Joint Contract Termination Board on December 31, 1943, made effective by Directive Orders 1 and 2 of the Office of War Mobilization, dated respectively January 8, 1944 (9 F.R. 478), and February 24, 1944 (9 F.R. 2251), is hereby amended as follows as of the date hereof:

a. To strike from paragraph 1 (f) the words: *"Provided,* That the amount to be allowed under this paragraph shall not exceed the adjusted basis of the facility for Federal Income Tax purposes immediately prior to the date of the termination of the contract; and *Provided further"* and to substitute the word *"Provided"*.

b. To strike out paragraph 3 (e) in its entirety.

2. Accordingly, the Statement, as amended, reads as follows:

The following is the statement of principles for determination of costs upon termination of Government fixed-price supply contracts approved by the Joint Contract Termination Board, December 31, 1943, referred to in paragraph (h) of the uniform termination article applicable to the termination of fixed price supply contracts at the option of the Government:

1. *General principles.* The costs contemplated by this statement of principles are those sanctioned by recognized commercial accounting practices and are intended to include the direct and indirect manufacturing, selling, and distribution, administrative, and other costs incurred which are reasonably necessary for the performance of the contract, and are properly allocable or apportionable, under such practices, to the contract (or the part thereof under consideration). The general principles set out in this statement are subject to the application of any special provisions of the contract. Certain costs are specifically described below because of their particular significance, and, as in the case of other costs, should be included to the extent that they are allocable to or should be apportioned to the contract or the part thereof under consideration.

(a) *Common inventory.* The costs of items of inventory which are common to the contract and to other work of the contractor.

(b) *Common claims of subcontractors.* The claims of subcontractors which are common to the contract and to other work of the contractor.

(c) *Depreciation.* An allowance for depreciation at appropriate rates on buildings, machinery, and equipment, and other facilities including such amounts for obsolescence due to progress in the arts and other factors as are ordinarily given consideration in determining depreciation rates. Depreciation as defined herein shall not include loss of useful value of the type covered by subparagraph (f).

(d) *Experimental and research expense.* General experimental and research expense to the extent consistent with an established prewar program, or to the extent related to war purposes.

(e) *Engineering and development and special tooling.* Costs of engineering and development and of special tooling: *Provided,* That the contractor protects any interests of the Government by transfer of title or by other means deemed appropriate by the Government.

(f) *Loss on facilities; conditions on allowance.* In the case of any special facility acquired by the contractor solely for the performance of the contract, or the contract and other war production contracts, if upon termination of the contract such facility is not reasonably capable of use in the other business of the contractor having regard to the then condition and location of such facility, an amount which bears the same proportion to the loss of useful value as the deliveries not made under the contract bear to the total of the deliveries which have been made and would have been made had the contract and the other contracts been completed: *Provided,* That no amount shall be allowed under this paragraph unless upon termination of the contract title to the facility is transferred to the Government, except where the Government elects to take other appropriate means to protect its interests.

(g) *Special leases.* (1) Rentals under leases clearly shown to have been made for the performance of the contract, or the contract and other war production contracts, covering the period necessary for complete performance of the contract and such further period as may have been reasonably necessary; (2) costs of reasonable alteration of such leased property made for the same purpose; and (3) costs of restoring the premises, to the extent required by reasonable provisions of the lease; less (4) the residual value of the lease: *Provided,* That the contractor shall have made reasonable efforts to terminate, assign, or settle such leases or otherwise reduce the cost thereof.

(h) *Advertising.* Advertising expense to the extent consistent with a prewar program or to the extent reasonable under the circumstances.

(i) *Limitation on costs described in subparagraphs (d), (e), (f), (g), and (h).* In no event shall the aggregate of the amounts allowed under subparagraphs (d), (e), (f), (g), and (h) exceed the amount which would have been available from the contract price to cover these items, if the contract had been completed, after considering all other costs which would have been required to complete it.

(j) *Interests.* Interest on borrowings.

(k) *Settlement expenses.* Reasonable accounting, legal, clerical, and other expenses necessary in connection with the termination and settlement of the contract and subcontracts and purchase orders thereunder, including expenses incurred for the purpose of obtaining payment from the Government only to the extent reasonably necessary for the preparation and presentation of settlement proposals and cost evidence in connection therewith.

(l) *Protection and disposition of property.* Storage, transportation, and other costs incurred for the protection of property acquired or produced for the contract or in connection with the disposition of such property.

2. *Initial costs.* Costs of a nonrecurring nature which arise from unfamiliarity with the product in the initial stages of production should be appropriately apportioned between the completed and the terminated portions of the contract. In this category would be included high direct labor and overhead costs, including training, costs of excessive rejections, and similar items.

3. *Excluded costs.* Without affecting the generality of the foregoing provisions in other respects, amounts representing the following should not be included as elements of cost:

(a) Losses on other contracts, or from sales or exchanges of capital assets, fees and other expenses in connection with reorganization or recapitulation, anti-trust or Federal income-tax litigation, or prosecution of Federal income-tax claims or other claims against the Government (except as provided in paragraph 1 (k)); losses on investments; provisions for contingencies; and premiums on life insurance where the contractor is the beneficiary.

(b) The expense of conversion of the contractor's facilities to uses other than the performance of the contract.

(c) Expenses due to the negligence or willful failure of the contractor to discontinue with reasonable promptness the incurring of expenses after the effective date of the termination notice.

(d) Costs incurred in respect to facilities, materials or services purchased or work done in excess of the reasonable quantitative requirements of the entire contract.

4. To the extent that they conform to recognized commercial accounting practices and the foregoing statement of principles, the es-

tablished accounting practices of the contractor as indicated by his books of account and financial reports will be given due consideration in the preparation of statements of cost for the purposes of this article.

5. The failure specifically to mention in this statement any item of cost is not intended to imply that it should be included or excluded.

3. The Statement, as amended, shall be incorporated by reference as soon as practicable in all new contracts containing the Uniform Termination Article, in lieu of the Statement as approved by the Joint Contract Termination Board on December 31, 1943; shall be offered by amendment to all holders of existing contracts containing that Article who contemplate settlement under paragraph (d) thereof; and shall be used for all other purposes in lieu of the Statement as approved December 31, 1943.

4. Directive Orders 1 and 2 of the Office of War Mobilization, dated respectively January 8 and February 24, 1944, are hereby continued in effect, except to the extent specifically amended by this regulation and by Regulation No. 3 of this Office.

ROBERT H. HINCKLEY,
Director.

SEPTEMBER 30, 1944.

[F. R. Doc. 44-15456; Filed, Oct. 5, 1944; 12:44 p. m.]

[Reg. 6]

SETTLEMENT OF CLAIMS UNDER TERMINATED FIXED PRICE ORDERS OR SUBCONTRACTS FOR MANUFACTURE OF SUPPLIES UNDER GOVERNMENT WAR CONTRACTS

Pursuant to the authority conferred upon me by sections 4 (b), 6 and 20 (d) of the Contract Settlement Act of 1944, the following policies, principles, methods, procedures and standards, are prescribed to govern the provision of fair compensation to war contractors for the termination of fixed price war supply contracts.

1. Paragraph 3 of the Statement of Policy concerning Settlement of Claims under Terminated Fixed Price Orders or Subcontracts for the Manufacture of Supplies under Government War Contracts, made effective by Directive Order 6 of the Office of War Mobilization, dated May 29, 1944 (9 F.R. 6135, 6483), is hereby amended by inserting after the third sentence a new sentence reading as follows:

It may be appropriate, if the parties so desire, to substitute for the first sentence of paragraph (a) of Exhibit A a provision for termination at the option of the buyer, or in paragraph (b) (2) (ii) to reduce the figure of 2%, or to change the figure 8%, to figures which are fair and reasonable under the circumstances of a particular contract.

and by inserting in the fourth sentence, after the words "on the same date" the words "as amended by Regulation 5 of the Office of Contract Settlement."

2. Paragraph 4 of this Statement is amended to insert, after the words "Exhibit A" in the last sentence, the words "and settlements arrived at in accordance with paragraph 7 of Regulation No. 7 of the Office of Contract Settlement".

3. Paragraph 6 of this Statement is amended by the addition at the end of the paragraph of the following sentence:

In addition to any provision that may be made for the payment upon certificate, in accordance with the foregoing principles, of settlements involving $1,000 or more, the following policy will also apply: Where a war contractor in good faith approves any settlement proposal properly submitted to him by his subcontractor on Form 1a of the Office of Contract Settlement (for use in connection with net claims of less than $1,000 where the contractor retains or disposes of all inventory) the settlement, including credits for retention or disposal of inventory, will be recognized by the Government as final and conclusive for the purpose of settling the terminated prime contract to the extent that the subcontract is allocable to it, unless the contracting agency has previously caused notice to be given to the settling war contractor that such settlements made by him with his immediate subcontractors are subject to approval by the Government.

4. A new paragraph 12 is added to this Statement, as follows:

12. Notwithstanding the recommendation made in paragraph 3 that Exhibit A be used in subcontracts and purchase orders, recognition will be given to special agreements by contractors to pay, as fair compensation for the termination of the subcontract, amounts specified in the subcontract or to be readily computed according to specific methods, standards or bases appropriate to the particular subcontract and set out therein, in lieu of any other compensation therefor, whenever (1) the available data permits a reasonable forecast, consistent with sound commercial standards, of the factors involved in determining what will be fair compensation for termination in the case of class or cases and (2) such agreement will substantially facilitate settlement, plant clearance, reconversion from war to civilian production or the efficient use of materials, manpower and facilities or will otherwise promote the objectives of the Contract Settlement Act of 1944. Such special agreements may be included in original subcontracts or may be inserted in subcontracts by amendment before their termination; and, when so included or inserted, are hereby determined to provide a method for determining fair compensation for the termination of such subcontracts. Settlements made in accordance with such agreements are subject to review to the same extent indicated in paragraphs 5 and 6 for settlements made on the basis of the rights and principles embodied in Exhibit A. The advantages and proper scope of such pretermination settlement agreements are described in the statement of the Director of Contract Settlement dated September 25, 1944 announcing General Regulation No. 3 of the Office of Contract Settlement dealing with the use of such agreements in prime contracts; and these advantages apply equally to pretermination settlement agreements for use in subcontracts.

5. Exhibit A, attached to this Statement, is amended by striking from the first sentence of paragraph (a) the words ", without the fault of the buyer,"; by inserting after the words "third person" the words ", including the Government,"; and by inserting after the word "amended" the words ", so as".

6. Accordingly, the Statement of Policy, as amended, reads as follows:

STATEMENT OF POLICY CONCERNING SETTLEMENT OF CLAIMS UNDER TERMINATED FIXED PRICE ORDERS OR SUBCONTRACTS FOR THE MANUFACTURE OF SUPPLIES UNDER GOVERNMENT WAR CONTRACTS

1. Procedures for the expeditious settlement of subcontracts on a fair basis are essential. Delay in the settlement of subcontracts may impair the ability of the subcontractor to perform further war work and would seriously interfere with quick transition to peacetime production when the war is over. The settlement of subcontracts will be greatly facilitated by the adoption of an approved form of termination article for use in subcontracts and by the establishment of uniform general principles governing the settlement and payment of claims of subcontractors.

2. The Uniform Termination Article for Fixed Price Supply Contracts made effective by order of the Office of War Mobilization dated 8 January 1944 requires the prime contractor, on notice of termination, to terminate all subcontracts and purchase orders chargeable to the contract, except as otherwise directed by the notice. The Article requires that settlements of subcontracts and purchase orders made by prime contractors shall be approved or ratified by the contracting officer only if and to the extent that the contracting officer may require.

3. It is the policy of the Government to favor the settlement of first tier or more remote subcontracts or purchase orders on the basis of the rights and principles embodied in the "Approved Termination Provision for Use in Fixed Price Orders or Subcontracts for the Manufacture of Supplies under Government War Contracts" hereto attached as Exhibit A. Exhibit A is recommended for use in first tier or more remote fixed price subcontracts or purchase orders for the manufacture of supplies under Government war contracts. Exhibit A sets forth in short form the same general principles as the Uniform Termination Article for use in Fixed Price Supply Contracts made effective by the Office of War Mobilization on 8 January 1944. For the sake of brevity, Exhibit A omits certain provisions of the Uniform Termination Article which may be appropriate for, and which contractors may desire to incorporate in, particular subcontracts, as for instance the provision of paragraph (f) for a proper adjustment, in the case of partial termination, in the price of work not terminated, or the provision of paragraph (g) for partial payments. It may be appropriate, if the parties so desire, to substitute for the first sentence of paragraph (a) of Exhibit A a provision for termination at the option of the buyer, or in paragraph (b) (2) (ii) to reduce the figure of 2%, or to change the figure 8%, to figures which are fair and reasonable under the circumstances of a particular contract. The Statement of Principles for Determination of Costs upon Termination of Government Fixed Price Supply Contracts, made effective by the Office of War Mobilization on the same date, as amended by Regulation 5 of the Office of

Contract Settlement, will be recognized by the Government as representing "recognized commercial accounting practices" as that term is used in Exhibit A. Other Governmental policies applicable to the Uniform Termination Article will also be recognized as applying to Exhibit A as for example the policy against reimbursing contractors at the contract rate on termination for completed undelivered articles which represent unreasonable anticipations of production schedules, and the policy against taking advantage of technical defaults when the real reason for termination is the termination of a prime contract by the Government.

4. It is the policy of the Government to encourage the use of the process of negotiation for settlement of terminated subcontracts to the same extent as for settlement of terminated prime contracts, and subject to substantially the same general principles. Such settlements will be reviewed in the manner and to the extent indicated in paragraphs 5 and 6, and will be approved if found to be fair and reasonable. The Government reserves the right to determine whether the basis of the settlement and the amount agreed upon are fair and reasonable. Settlements based upon reasonable estimates by the parties of the aggregate amount which would be due under subparagraphs (1), (2) and (3) of paragraph (b) of Exhibit A and settlements arrived at in accordance with paragraph 7 of Regulation No. 7 of the Office of Contract Settlement, will be considered fair and reasonable.

5 When settlements of subcontracts are submitted to the contracting officer for approval or ratification, they should be treated like any other element of cost in a prime contractor's settlement proposal, and procedures determining the extent to which they will be scrutinized should recognize the necessity for the accomplishment of speedy and final settlement as well as the protection of the interests of the Government. A high degree of reliance must and should be placed upon the investigation made by the contractor of the basis for the settlement. The procuring agency has, of course, the right, where circumstances indicate the necessity for so doing, to make full investigation of the settlement of any first tier or more remote subcontract.

6. If settlements are to be effected with the necessary speed, it will obviously be impracticable for all procuring agencies to review every settlement of subcontracts and purchase orders in every tier. Therefore, whenever and as long as the procuring agency is satisfied that the procedures and personnel employed by a prime contractor in making settlement with subcontractors are adequate, the procuring agency may provide for the payment of any settlement made by the prime contractor upon appropriate certificates. Likewise, in the case of those intermediate subcontractors, the number of whose lower tier subcontracts makes it important to do so, the procuring agency, whenever and as long as it is satisfied that the procedures and personnel employed by an intermediate subcontractor in making settlements thereof are adequate, may provide for the payment of any settlement made by the intermediate subcontractor upon appropriate certificates. In addition to any provision that may be made for the payment upon certificate, in accordance with the foregoing principles, of settlements involving $1,000 or more, the following policy will also apply: Where a war contractor in good faith approves any settlement proposal properly submitted to him by his subcontractor on Form 1a of the Office of Contract Settlement (for use in connection with net claims of less than $1,000 where the contractor retains or disposes of all inventory) the settlement, including credits for retention or disposal of inventory, will be recognized by the Government as final and conclusive for the purpose of settling the terminated prime contract to the extent that the subcontract is allocable to it, unless the contracting agency has previously caused notice to be given to the settling war contractor that such settlements made by him with his immediate subcontractors are subject to approval by the Government.

7. The Government in some instances will be under an obligation either to make reimbursement for, or to assure the defense against, demands by subcontractors or suppliers chargeable to the prime contract which are greater in amount than would be recognized by the principles of Exhibit A. On the submission of a settlement which recognizes any such demand, the procuring agency will decide whether the settlement should be approved or ratified and whether the Government should protect the prime contractor or intermediate subcontractor from the asserted liability.

8. It is the policy of the Government not to delay the making or approval of settlements after agreement is reached for the purpose of disposing of property chargeable to the terminated subcontract. When agreement is concluded on a financial settlement, title to all property not theretofore disposed of or taken over should be taken by or for the account of the Government.

9. This statement deals with the settlement of subcontracts under the vertical basis of settlement, through the prime contractor and intervening subcontractors. If methods of direct or horizontal settlement of subcontracts are adopted, other implementation may be required.

10. Though Exhibit A is recommended for use in orders or subcontracts under Government war contracts, it is recognized that it may be used in subcontracts or orders having no connection with the war. The fact that a subcontract or purchase order contains Exhibit A has, therefore, no bearing on whether the particular subcontract or order is allocable or relates to war production.

11. The requirement of paragraph (a) of Exhibit A that "the seller will, as and to the extent directed by the buyer * * * terminate work under orders and subcontracts outstanding hereunder" is not intended to affect the seller's right to allow such subcontracts or orders to continue to completion, if he desires to do so for his own account without making any claim against the buyer by reason thereof. The buyer's termination notice should make this clear, and also should specify in so far as possible which subcontracts or orders, or classes of them, the buyer wants completed for his account, and which he wants cancelled.

12. Notwithstanding the recommendation made in paragraph 3 that Exhibit A be used in subcontracts and purchase orders, recognition will be given to special agreements by contractors to pay, as fair compensation for the termination of the subcontract, amounts specified in the subcontract or to be readily computed according to specific methods, standards or bases appropriate to the particular subcontract and set out therein, in lieu of any other compensation therefor, whenever (1) the available data permits a reasonable forecast, consistent with sound commercial standards, of the factors involved in determining what will be fair compensation for termination in the case or class of cases and (2) such agreement will substantially facilitate settlement, plant clearance, reconversion from war to civilian production or the efficient use of materials, manpower and facilities or will otherwise promote the objectives of the Contract Settlement Act of 1944. Such special agreements may be included in original subcontracts or may be inserted in subcontracts by amendment before their termination; and, when so included or inserted, are hereby determined to provide a method for determining fair compensation for the termination of such subcontracts. Settlements made in accordance with such agreements are subject to review to the same extent indicated in paragraphs 5 and 6 for settlements made on the basis of the rights and principles embodied in Exhibit A. The advantages and proper scope of such pretermination settlement agreements are described in the statement of the Director of Contract Settlement dated September 25, 1944 announcing General Regulation No. 3 of the Office of Contract Settlement dealing with the use of such agreements in prime contracts; and these advantages apply equally to pretermination settlement agreements for use in subcontracts.

7. Accordingly, Exhibit A attached to the Statement of Policy, as amended, reads as follows:

APPROVED TERMINATION PROVISION FOR USE IN FIXED PRICE ORDERS OR SUBCONTRACTS FOR THE MANUFACTURE OF SUPPLIES UNDER GOVERNMENT WAR CONTRACTS

ARTICLE ___. (a) The buyer may terminate work under this order in whole or in part at any time by written or telegraphic notice, whenever (1) the Government requests the termination of this order or (2) a contract between the buyer and a third person, including the Government, requiring for its performance articles or services of the kind or type covered by this order is terminated, in whole or in part, or amended, so as to eliminate or reduce such requirements. Such notice shall state the extent and effective date of such termination; and, upon the receipt thereof, the seller will, as and to the extent directed by the buyer, stop work under this order and the placement of further orders or subcontracts hereunder, terminate work under orders and subcontracts outstanding hereunder, and take any necessary action to protect property in the seller's possession in which the buyer has or may acquire an interest.

(b) If the parties cannot by negotiation agree within a reasonable time upon the amount of fair compensation to the seller for such termination, the buyer in addition to making prompt payment of amounts due for articles delivered or services rendered prior to the effective date of termination, will pay to the seller the following amounts without duplication:

(1) The contract price for all articles or services which have been completed in accordance with this order and not previously paid for.

(2) (i) The actual costs incurred by the seller which are properly allocable or apportionable under recognized commercial accounting practices to the terminated portion of this order, including the cost of discharging liabilities which are so allocable or apportionable, and (ii) a sum equal to 2% of the part of such costs representing the costs of articles or materials not processed by the seller, plus a sum equal to 8% of the remainder of such costs, but the aggregate of such sums shall not exceed 6% of the whole of such costs. For the purpose of subdivision (ii) such costs shall exclude any charge for interest on borrowings and shall exclude the cost of discharging liabilities for parts, materials and service not received by the seller before the effective date of termination.

(3) The reasonable costs of the seller in making settlement hereunder and in protecting property in which the buyer has or may acquire an interest.

Payments made under this paragraph (b), exclusive of payments under subparagraph (3), shall not exceed the aggregate price specified in this order, less payments otherwise made or to be made.

(c) With the consent of the buyer, the seller may retain at an agreed price or sell at an approved price any completed articles, or any articles, materials, work in process or other things the cost of which is allocable or apportionable to this order under paragraph (b) (2) above, and will credit or pay the amounts so agreed or received as the buyer directs. As directed by the buyer, the seller will transfer title to, and make delivery of, any such articles, materials, work in process or other things not so retained or sold. Appropriate adjustment will be made for delivery costs or savings therein.

(d) The provisions of this Article —— shall not limit or affect the right of the buyer to terminate this order for the default of the seller.

8. Directive Order 6 of the Office of War Mobilization, dated May 29, 1944, is hereby continued in effect except to the extent specifically modified by this regulation.

ROBERT H. HINCKLEY,
Director of Contract Settlement.

OCTOBER 4, 1944.

[F. R. Doc. 44-15457; Filed, Oct. 5, 1944; 1:21 p. m.]

[Reg. 7]

FAIR COMPENSATION TO WAR CONTRACTORS FOR TERMINATION OF FIXED PRICE WAR SUPPLY CONTRACTS

Pursuant to the authority conferred upon me by sections 4 (b) and 6 of the Contract Settlement Act of 1944, the following policies, principles, methods, procedures and standards are prescribed to govern the provision of air compensation to war contractors for the termination of fixed price war supply contracts:

1. *Existing directives of office of War Mobilization prescribing termination provisions for use in prime contracts and subcontracts.* By Directive Orders 1 and 2, dated January 8, 1944 and February 24, 1944, the Office of War Mobilization made effective a Uniform Termination Article for Use in Government Fixed Price War Supply Contracts (hereinafter called the "Prime Contract Article"). Paragraph (c) of this Article provides that the contractor and the contracting officer may agree upon the amount to be paid to the contractor by reason of the termination of the contract. Paragraph (d) of the Article thereupon specifies the basis of determining, for the purpose of court action or otherwise, the amount to be paid to the contractor in the event of the failure of the contractor and the contracting officer to agree.

By Directive Order 6, dated May 29, 1944, the Office of War Mobilization made effective an Approved Termination Provision which was recommended for use in Fixed Price Orders and Subcontracts under Government War Contracts (hereinafter called the "Subcontract Article"). Paragraph (b) of the Subcontract Article contemplates that the parties will seek, by agreement, to determine the amount to be paid by reason of the termination of the order or subcontract, but specifies the basis of determining, for the purpose of court action or otherwise, the amount to be paid to the holder of the order or subcontract in the event of the failure of the parties to agree. This basis is substantially the same as that specified by paragraph (d) of the Prime Contract Article.

By section 20 (d) of the Contract Settlement Act the foregoing Directive Orders remain in full force and effect unless and until modified as therein provided, The Director of Contract Settlement, by Regulations 3, 5 and 6, has amended the foregoing Directive Orders in certain respects and has continued them in effect as amended; and the references hereinafter made to these Directive Orders, to the Prime Contract Article, to the Statement of Principles for Determination of Costs Upon Termination of Government Fixed Price Supply Contracts, and to the Subcontract Article, are to these orders and documents as so amended.

2. *Policy determinations to be made by the Office of Contract Settlement.* The Director of Contract Settlement is required, by the provisions of the Contract Settlement Act of 1944,[1] approved July 1, 1944, to determine (a) what standards should guide the making of settlement without agreement in order to provide for fair compensation in accordance with the requirements of the act; (b) what standards should guide the making of settlements by agreement in order to provide fair compensation in accordance with the requirements of the Act; and (c) to what extent the factors enumerated by Section 6 (d) of the Act should be taken into account in establishing methods and standards for determining fair compensation in the settlement of termination claims by agreement.

3. *The formula provisions of the Prime Contract Article provide fair compensation.* Paragraph (d) of the Prime Contract Article provides in brief that, if the parties fail to agree, the contractor shall receive (subject to the limitations herein stated) the contract price for accepted completed articles, the cost attributable to the terminated work and of settling related subcontracts, a profit, and the costs incident to the termination and to the protection of property. By the terms of paragraph (h) of the Prime Contract Article, the determinations of cost required by paragraph (d) are to be made in accordance with the Statement of Principles for Determination of Costs upon Termination of Government Fixed Price Supply Contracts approved by the Joint Contract Termination Board December 31, 1943 (hereinafter called the "Statement of Cost Principles").

The predecessors of section 6 (d) and 6 (e) of the Contract Settlement Act originated in the Judiciary Committee of the House of Representatives, which incorporated therein almost verbatim the Statement of Cost Principles. In reporting the bill, the House Judiciary Committee said:

> The new provisions are contained in subsections (d) and (e) of section 6. In preparing these provisions the Committee has been guided by the uniform contract termination article recommended by Messrs. Baruch and Hancock and by the cost principles which are applicable thereunder in cases not settled by agreement. This uniform termination article is now included in new contracts and by agreement existing contracts are being modified to include it.

The provisions, in this form, were passed by the House.

The Conference Committee changed the provisions of the bill to the form in which they were finally enacted; and the conference report states that its purpose in so doing was to revise "this House provision to state more concisely and in more general terms the costs to be taken into account for such purpose [establishing methods and standards for settling claims not settled by agreement] * * *

From the foregoing, it clearly appears that the provisions of section 6 (d) of the act, defining what shall be taken into account and what shall be excluded in establishing methods and standards for determining fair compensation in cases not settled by agreement, were based upon the provisions of the Prime Contract Article and the Statement of Cost Principles, and were recognized by the Congress as consistent therewith. It further appears, moreover, that Congress desired to deal with principles of cost determination in a more general manner, to allow for flexible treatment of the individual items contained in the Statement of Cost Principles. It is accordingly determined that the method of settlement established by paragraph (d) of the Prime Contract Article in the event of the failure of the contractor and the contracting officer to agree provides for fair compensation for the termination of the contract, and that paragraph (d) of that Article and the Statement of Cost Principles take into account or exclude, as the case may be, the several factors enumerated in section 6 (d) of the act in accordance with the requirements of that section. The contracting agencies will, to the extent provided in Directive Orders 1 and 2 of the Office of War Mobilization, dated respectively January 8 and February 24, 1944, use the Prime Contract Article in new contracts and offer it by amendment, before or after their ter-

[1] Section 6 (a) of the act makes it the responsibility of the contracting agencies and the Director to provide speedy and fair compensation for the termination of any war contract. Section 6 (b) of the act requires each contracting agency to establish methods and standards, suitable to the condition of various war contractors, for determining such fair compensation, suggests several possible bases for such a determination, but provides that any other equitable basis deemed appropriate may be used. Section 6 (d) deals with termination claims not settled by agreement, and provides that in such cases, with certain exceptions, the method or standard shall take into account an enumerated series of factors and shall not include as elements of cost a second enumerated series. Section 6 (e) then provides that termination claims shall be settled by agreement to the maximum extent feasible; that the methods and standards of determining fair compensation shall be designed to facilitate settlement by agreement; and that the Director shall require the contracting agencies to take into account the factors enumerated in section 6 (d) in establishing methods and standards for determining fair compensation in settlements by agreement, to the extent that he deems it practicable to do so without impending expeditious settlements.

mination, to the holders of existing contracts.

4. *The formula provisions of the Subcontract Article provide for fair compensation.* As recited in the "Statement of Policy Concerning Settlement of Claims under Terminated Fixed Price Orders or Subcontracts for the Manufacture of Supplies under Government War Contracts" approved by the Office of War Mobilization in Directive Order 6 on May 29, 1944, the Subcontract Article sets forth in short form the same general principles as the Prime Contract Article, and the Statement of Cost Principles will be recognized by the Government as representing recognized commercial accounting practices as that term is used in the Subcontract Article. It is accordingly determined that the method of settlement established by paragraph (b) of the Subcontract Article, if the parties cannot by negotiation agree upon fair compensation, provides for fair compensation for the termination of the order or subcontract, and takes into account or excludes, as the case may be, the several factors enumerated in section 6 (d) of the act in accordance with the requirements of that section. The contracting agencies will, to the extent provided in Directive Order 6 of the Office of War Mobilization dated May 29, 1944, recommend the use of the Subcontract Article in first tier or more remote fixed price subcontracts or purchase orders for the manufacture of supplies under Government war contracts, and authorize, approve or ratify amendments of such subcontracts or purchase orders, before or after their termination, to include the Subcontract Article.

5. *Standards applicable to termination settlements by agreement under the Prime Contract Articles.* The debates and committee reports which preceded the enactment of the Contract Settlement Act emphasize the primary factors to be considered in establishing such standards. These include the vital need for speed in settlement, the necessity of negotiating settlements by agreement if adequate speed is to be attained, and the requirement of sufficient latitude for the application of standards of business judgment if negotiation is to take place successfully. As stated in the Report of the House Judiciary Committee:

> The hearings and reports by the various committees of Congress which have studied this matter clearly indicate that the overwhelming bulk of termination claims must be settled by negotiated agreements if the job is to be done expeditiously enough to permit rapid reconversion and reemployment at the end of the war.
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> * * * * *
>
> The ability to apply standards of business judgment as distinct from strict accounting principles is at the heart of the negotiated settlement.

Accordingly, the following conclusions flow from the provisions of the Act and its legislative history:

The primary test of the methods and standards of settlement to be established by the contracting agencies pursuant to section 6 (b) of the act is whether they provide fair compensation. Various methods of determining fair compensation are to be developed. Fair compensation is inherently a matter of judgment and therefore incapable of exact measurement. In a given situation, more than one method of arriving at fair compensation may be appropriate, and differing amounts, within the range of reasonable variations of method and sound judgment, may all be regarded as constituting fair compensation. Cost and accounting data, like other criteria for judgment, are to be regarded as guides to the ascertainment of fair compensation, and not as rigid measures of it. Settlement by agreement is to be facilitated to the maximum extent feasible; and the amount of record keeping, reporting, and accounting in connection with the settlement of termination claims is to be reduced to the minimum compatible with the reasonable protection of the public interest.

On the basis of the foregoing, the following standards are established for the guidance of contracting agencies in the settlement of claims by agreement, in cases in which the settlement is negotiated on the basis of a consideration of costs and profit. As contemplated by section 6 (b) of the Contract Settlement Act of 1944, other bases for such negotiation (e. g. estimated percentage of completion of the work under a terminated contract) may be developed by the Director of Contract Settlement or the contracting agencies.

(a) *General.* The object of the negotiation will be to agree upon a total amount to be paid in settlement of the contractor's claim which will constitute fair compensation. The amount agreed upon may be determined as an entirety, leaving flexibility in the determination of any particular element entering into the final result. However, in the consideration of costs and profit as elements of the total amount to be agreed upon as fair compensation, certain principles should be observed which are stated in paragraphs (b), (c), and (d).

(b) *Costs.* (1) The Statement of Cost Principles reflects certain policy determinations regarding the type of costs which should be taken into account in determining the compensation to which the contractor is fairly entitled by reason of the termination of his contract for the best interest of the Government. Contractors can properly expect that their costs of the types described by the Statement of Cost Principles as includible will be so taken into account in a settlement by agreement. Conversely, such a settlement should not be made the means for reimbursing expenditures of the types which the Statement excludes.

(2) The contracting agencies will of necessity require contractors to submit, and will review, relevant information in support of their claims. This information will include technical and accounting data to the extent deemed necessary. Cost data should serve, however, not as a first step in an attempt at an exact determination of cost but rather as the basis for a business negotiation leading directly to a prompt settlement which will be fair to the contractor and will adequately protect the interest of the Government. Reasonable estimates and approximations may be used for the purpose of expediting settlements; and, to the fullest practicable extent, differences should be compromised and questions of doubt settled by agreement.

(c) *Profit.* Profit should be limited to preparations made and work done for the terminated portion of the contract; but, subject to this limitation, any reasonable method of arriving at a fair profit may be used. The most satisfactory criterion of what is a fair profit on the terminated part of a contract is ordinarily a proper proportion of what the parties have agreed upon. Evidences of this agreement might be either (1) the amount of the profit which was agreed upon or contemplated by both parties at the time when the contract was negotiated; or (2) the amount of profit which the contractor would have earned had the contract been completed; or (3) the amount of profit which the contractor agreed to accept in the event the contract was terminated and litigation resulted. Ordinarily, the ascertainment of the profit which the contractor would have earned had the contract been completed would involve complicated time-consuming forecasts which cannot in practice be made with reasonable accuracy; and the most satisfactory substitute for this criterion will be the amount of profit which the parties agreed upon at the outset. Accordingly, the following considerations may be taken into account in arriving at a reasonable profit, whether determined separately or as part of a reasonable over-all total.

(1) Where satisfactory evidence is available and it is practicable to do so, one method of arriving at a reasonable profit on the terminated portion of the contract is as follows:

(i) Ascertain the dollar amount of the profit which was agreed upon or was contemplated by both parties at the time when the contract was negotiated.

(ii) Allow to the contractor the portion of this amount determined by the relation between the work performed by him on the terminated portion of the contract and the work contemplated by the entire contract.

(iii) The estimate of this relationship does not necessarily depend on the percentage of the costs incurred on the terminated portion of the contract to total estimated costs, nor on the percentage of materials acquired for this portion to total materials required. While these factors should be considered, emphasis should rather be put on the extent and difficulty of the work completed by the contractor (including engineering work, production scheduling, planning, technical study and supervision, arrangement and supervision of subcontracts, as well as other services) as compared with the total work required of him by the contract. Engineering estimates of percentage of completion should not ordinarily be required, although entitled to proper consideration if available.

This principle will result in fair compensation in cases which have involved the arrangement of subcontracts and the supervision of their performance, by re-

flecting this work in the estimate of the extent of completion, while at the same time properly avoiding the practice of measuring the prime contractor's profit by the amount of his payments to subcontractors for their termination claim. This principle will also avoid excessive compensation in cases where a large proportion of the contractor's costs represents merely the acquisition of materials not processed by him.

(2) Another method which may be appropriate is to approximate the amount of the profit which the contractor would have been entitled to receive under the formula in his contract in the event of the failure of the parties to agree. This will be especially helpful in cases or classes of cases where it is impracticable to determine the amount of profit in accordance with principles stated in subparagraph (2), or where payment of this approximation of the formula will increase speed of settlement, or where it appears that the contractor would have failed to realize a profit in the event of completion of the contract.

(d) *Overall considerations.* To avoid forcing the contractor to unnecessary litigation to establish his legal rights against the Government, it will be appropriate in any case, where the contractor so desires, to pay the amount of the approximation of the formula.

As indicated in the case of settlements in the absence of agreement, the gross amount of the settlement (exclusive of sums paid as compensation for post-termination expenses and services) should not exceed the contract price, less payments otherwise made or to be made to the contractor. This amount is subject to proper deduction for advance or partial payments or other items in accordance with any applicable provisions of statute or contract, as for example paragraph (e) of the Prime Contract Article.

6. *Standards applicable to termination settlements by agreement under prime contracts not containing the Prime Contract Article.* Directive Orders 1 and 2, dated January 8 and February 24, 1944, require the contracting agencies, with the exceptions therein stated, to use the Prime Contract Article in future contracts and to offer to their existing contractors an opportunity to amend their contracts to include the Article. In cases where contracts not containing or amended to contain the Article are terminated for the convenience of the Government, the principles stated in paragraph 5 should nevertheless be applied in making settlements by agreement, to the extent not inappropriate in the light of the provisions of the particular contract.

7. *Standards applicable to the settlement by agreement of terminated subcontracts.* Directive Order 6, dated May 29, 1944 provides in part the criteria to be used by the contracting agencies in approving the settlement of terminated subcontracts. That Directive Order provides, among other things, that it is the policy of the Government to encourage the use of the process of negotiation for the settlement of terminated subcontracts to the same extent as for the settlements of terminated prime contracts, and on the basis of substantially the same general principles; that such settlements will be approved if, upon review as provided in that Order, they are found to be fair and reasonable; and that settlements based upon reasonable estimates by the parties of the aggregate amount which would be due under the formula set out in paragraphs (1), (2) and (3) of paragraph (b) of the Subcontract Article will be considered fair and reasonable.

Section 6 (a) of the Contract Settlement Act provides that fair compensation for the termination of subcontracts shall be based on the same principles as compensation for the termination of prime contracts. Accordingly, the contracting agencies shall approve or provide for the approval of subcontract settlements (in addition to the circumstances set forth in Directive Order 6) when such settlements are made upon the principles of paragraph 5 of this Statement of Policy. However, since the contracting agency will not ordinarily have participated in the negotiation of the original subcontract, the contracting agency where consideration is given to the factors set forth in paragraph 5 (c) may, elect to take into account the profit which the contracting agency would have agreed to pay in connection with a direct procurement of the same or a similar item rather than a profit determined in accordance with paragraph 5 (c).

8. *Determination required by section 6 (e) of the act.* It is hereby determined that to the extent that it is presently deemed practicable to do so without impending expeditious settlements, the provisions of paragraphs 5, 6 and 7 of this Statement of Policy require the contracting agencies to take into account the factors enumerated in section 6 (d) of the act in establishing methods and standards for determining fair compensation in the settlement of termination claims by agreement.

As contemplated by the act, modifications may be made from time to time in this regulation.[1]

ROBERT H. HINCKLEY,
Director of Contract Settlement.

OCTOBER 5, 1944.

[F. R. Doc. 44-15467; Filed, Oct. 6, 1944; 11:33 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 2—GENERAL RULES AND REGULATIONS

PART 5—NATIONAL CEMETERY REGULATIONS

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

Section 2.2 (c) is amended to read as follows:

§ 2.2 *Preservation of public property, natural features and curiosities.* * * *

(c) Bona fide claimants or entrymen claiming or owning land reasonably adjacent to Grand Teton National Park must procure written permits from the superintendent before cutting any dead or down timber within the park.

Section 2.27 is amended by changing the first sentence to read as follows: "Prospecting and the location of mining claims on Government lands within the parks and monuments are prohibited, except that in Mount McKinley National Park, and Death Valley and Glacier Bay National Monuments, prospecting and mining may be prosecuted under special regulations prescribed by the Secretary."

The amendment to § 2.40 issued on August 28, 1944 (9 F.R. 11009), is changed by substituting reference to paragraph (c) for the reference to paragraph (e).

Section 5.7 (a) is amended by substituting the phrase "Quartermaster General" for the phrase "Director of the National Park Service" in the fourth sentence.

Section 20.28 is revoked.

Section 20.31 (c) (2) is amended by striking out the first sentence.

(39 Stat. 535, 19 Stat. 99, 42 Stat. 20; 16 U.S.C. 3, 24 U.S.C. 278)

Issued this 25th day of September 1944.

[SEAL] OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 44-15586; Filed, Oct. 9, 1944; 9:31 a. m.]

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

PROCEDURE FOR DETERMINATIONS OF NET EARNINGS

Sec.

AUTHORITY: §§ 36.525 to 36.532, inclusive, issued under 58 Stat. 284.

§ 36.525 *Claims by self-employed.* Claims for readjustment allowance by the self-employed, under section 902 (b) of the act cited above, will be prepared in triplicate on Form 1387. One copy (triplicate) will be retained by the agency taking the claim and the other two copies will be forwarded to the readjustment allowance agent. After determination of the claim, the agent will note his action on both copies, returning the duplicate to the agency and retaining the original in his files.

§ 36.526 *Definition of "net earnings".* The term "net earnings" as used herein means the net amount realized in earnings by the veteran in any given month which may serve the purpose of his immediate livelihood. It covers earnings

[1] Paragraph added Oct. 6, 1944, as F.R. Doc. 44-15595, filed, Oct. 7, 1944, at 5:01 p. m.

received by him in connection with his self-employment, reduced by the amount of expenses incurred during such month which are directly related to his self-employment. Personal or family expenditures shall not be deductible as expenses.

§ 36.527 *Evaluation of products in determining "net earnings".* The value of any product produced as a result of his self-employment enterprise used by the veteran for the livelihood, maintenance or sustenance of himself or his family, will be taken into account in determining "net earnings". This value will be estimated on the basis of prevailing market prices; that is, the estimated amount that the veteran would have received had he sold the product at the nearest market.

§ 36.528 *Income and expenses reported on cash basis.* Except as proeran's income and expense shall be reported on a "cash basis", i. e., income actually or constructively received and expenses actually paid during the month covered by the claim. Anticipated income or expenses therefore shall not be estimated or prorated for this purpose.

§ 36.529 *Two or more types of self-employment.* When a self-employed veteran is engaged in two or more types of self-employment, such information shall be incorporated on the claim form and total income and expenses with respect thereto shall be appropriately reported.

§ 36.530 *"Net earnings" when enterprise is partly owned or is a partnership.* When a self-employed veteran shows that his business venture is partly owned or the business is a partnership, the entire income and expenses of the business shall be reported in the space provided therefor on the claim form. The names of all owners or partners, together with the percentage of division of profits applicable to each shall be entered on the claim form. In arriving at the net earnings of the veteran filing the claim the rate applicable to the veteran shall be used.

§ 36.531 *Effect of employment relationship upon eligibility for allowances as self-employed.* A veteran performing any services in an employment relationship during a month shall not be eligible for allowances as a "self-employed" person with respect to such month.

§ 36.532 *Time limit for filing claim.* The veteran's claim for readjustment allowance and statement of net earnings from self-employment shall be filed not later than the 20th day of the month following that for which the claim is filed: *Provided*, That for good cause shown the period during which the claim may be filed may be extended not later than the last day of the month following the month for which the claim is filed.

[SEAL] FRANK T. HINES,
Administrator.

OCTOBER 4, 1944.

[F. R. Doc. 44-15580; Filed, Oct. 7, 1944; 4:17 p. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

PART 304—LABOR

[G. O. 44[1]]

SUBSTITUTION OF CERTIFICATE

Section 304.78 *Issuance of certificate* refers to the issuance of a certificate "in the form annexed."

Notice is given that a certificate in the form attached hereto[2] has been adopted for use in lieu of said certificate above referred to.

(Pub. Law 87, 78th Cong.; 57 Stat. 162)

[SEAL] E. S. LAND,
Administrator.

OCTOBER 7, 1944.

[F. R. Doc. 44-15605; Filed, Oct. 9, 1944; 11:14 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 222, Supp. 5]

PART 97—ROUTING OF TRAFFIC

ROUTING OF NON-TRANSIT GRAIN AND RELATED ARTICLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 2d day of October, A. D. 1944.

Upon recommendation of the ODT-ICC Grain and Grain Products Transportation Conservation Committee to the Office of Defense Transportation that certain routes now maintained in tariffs on non-transit carload shipments of grain, grain products, and related articles, also seeds described in Appendix A attached hereto and made a part hereof,[2] be closed because of the time consumed in transporting this traffic over such routes as compared with more direct routes, the Office of Defense Transportation recommends that this Commission take such action as it deems necessary; in the opinion of the Commission an emergency exists requiring immediate action to best promote the service in the interest of the public and the commerce of the people. It is ordered, that:

Routing of non-transit grain, grain products, and related articles, also seeds in carloads over certain routes prohibited. (a) No common carrier by railroad subject to the Interstate Commerce Act shall accept for transportation, transport, or move, carload shipments of non-transit grain, grain products, and related articles, also seeds from and to the points and over the routes specified in Appendix A, attached hereto and made a part hereof, until further order of the Commission, but not for a longer period than the present war and six (6) months thereafter.

(b) *Application.* The provisions of this order shall not apply to any carload of non-transit grain, grain products, or related articles or seeds loaded for transportation or movement or being transported or moved from and to the points and over the routes specified in Appendix A prior to the effective date of this order.

(c) *Notice of prohibited routing.* Each railroad, or its agent, 5 days before the effective date of this order, shall publish, file, and post a supplement to each of its tariffs affected hereby, announcing the prohibition on routing specified in paragraph (a) of this section. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)-(17), 15 (4))

It is further ordered, that this order shall become effective at 12:01 a. m., October 30, 1944; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-15541; Filed, Oct. 7, 1944; 10:58 a. m.]

Chapter II—Office of Defense Transportation

[General Permit ODT 26A-3]

PART 521—CONSERVATION OF MOTOR EQUIPMENT—PERMITS

RENTAL CARS

Upon consideration of an application to use rental cars for making retail deliveries of flowers on Christmas Day and the two days immediately preceding; Valentine's Day; Easter Sunday and the two days immediately preceding; and Mother's Day and the two days immediately preceding, filed by the Society of American Florists, Chicago, Illinois pursuant to § 501.144 of General Order ODT 26A, as amended, and good cause appearing therefor, it is hereby authorized, that:

§ 521.3802 *Certain commercial deliveries of merchandise authorized.* Notwithstanding the provisions of § 501.142 (b) of General Order ODT 26A, as amended, any person, during the period December 23, 1944 to December 25, 1944, inclusive, on February 14, 1945, and during the periods March 30, 1945 to April 1, 1945, inclusive, and May 11, 1945 to May 13, 1945, inclusive, may drive and operate a rental car for the purpose of making commercial deliveries of flowers which have been sold at retail.

The provisions of this general permit shall not be construed as relieving any person making retail deliveries from complying with the applicable provisions of General Order ODT 17, as amended, (7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 12750, 14582; 9 F.R. 2795).

[1] 9 F.R. 3515.

[2] Filed as part of the original document.

(E.O. 8989, as amended, 9156, 9214; 6 F.R. 6725 and 8 F.R. 14183, 7 F.R. 3349, 6097; General Order ODT 26A, as amended, 8 F.R. 4934, 9 F.R. 2749)

Issued at Washington, D. C., this 7th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-15545; Filed, Oct. 7, 1944; 11:35 a. m.]

[Administrative Order ODT 6B]

PART 503—ADMINISTRATION

ESTABLISHMENT OF REGIONS, DISTRICTS, AND FIELD OFFICES OF HIGHWAY TRANSPORT DEPARTMENT

Pursuant to Executive Orders 8989, as amended, and 9156, Administrative Order ODT 6A, as corrected, (9 F.R. 7451, 8150) shall be superseded, and it is hereby ordered, that:

§ 503.200 *Establishment of regions and office of regional director; Highway Transport Department.* Regions of the Highway Transport Department of the Office of Defense Transportation, with a regional office in each region, are hereby established as described in Appendix 1 hereof. Each regional office shall be in charge of a regional director.

§ 503.201 *Establishment of districts and office of district manager; field offices; Highway Transport Department.* (a) Within each region, districts of the Highway Transport Department, with a district office in each district, are hereby established as described in Appendices 2 and 3 hereof. Each district office shall be in charge of a district manager.

(b) Within certain districts of the Highway Transport Department field offices are hereby established as described in Appendix 2 hereof. Each field office shall be in charge of an employee of the Office of Defense Transportation designated for that purpose and shall be subject to the supervision and jurisdiction of the district manager of the district within which such field office is situated and the territory served by it shall be coincident with that of such district.

Administrative Order ODT 6A is revoked as of the effective date of this Administrative Order ODT 6B.

This Administrative Order ODT 6B shall become effective October 15, 1944.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349).

Issued at Washington, D. C., this 7th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1—LOCATIONS OF REGIONAL OFFICES AND TERRITORY COMPRISING EACH REGION

Territory comprising Region 1: The States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the following counties in the State of New Jersey: Bergen, Essex, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren. Regional Office in New York, New York.

Territory comprising Region 2: The States of Delaware, Maryland, and Pennsylvania; all of the State of Virginia, except the City of Bristol, Virginia; the following counties in the State of New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem; and the District of Columbia. Regional Office in Philadelphia, Pennsylvania.

Territory comprising Region 3: The States of Kentucky, Ohio, and West Virginia; all of the State of Indiana except Lake County, Indiana; and, all of the State of Michigan except the Counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft, Michigan. Regional Office in Cleveland, Ohio.

Territory comprising Region 4: The States of Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and the City of Bristol, Virginia. Regional Office in Atlanta, Georgia.

Territory comprising Region 5: The States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas. Regional Office in Dallas, Texas.

Territory comprising Region 6: The States of Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin; Lake County, Indiana; and the following counties in the State of Michigan: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft. Regional Office in Chicago, Illinois.

Territory comprising Region 7: The States of Colorado, Montana, New Mexico, Utah, and Wyoming; all of the State of Idaho except the Counties of Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone; Malheur County, Oregon; and, those parts and portions of the Counties of Coconino and Mohave, in the State of Arizona, lying and situated north of the Colorado River. Regional Office in Denver, Colorado.

Territory comprising Region 8: The States of California, Nevada, and Washington; all of the State of Oregon except Malheur County; all of the State of Arizona except those parts and portions of the Counties of Coconino and Mohave lying and situated north of the Colorado River; and, the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Idaho, Latah, Lewis, Nez Perce, and Shoshone. Regional Office in San Francisco, California.

APPENDIX 2—DISTRICT AND FIELD OFFICES IN EACH REGION

REGION 1

Connecticut. District office: Hartford. Field office: New Haven.
Maine. District office: Augusta. Field office: Portland.
Massachusetts. District office: Boston. Field office: Springfield.
New Hampshire. District office: Concord.
New Jersey. District offices: Newark and Trenton.
New York. District offices: Albany, Binghamton, Buffalo, New York, and Syracuse. Field offices: Elmira, Glens Falls, Rochester, and Utica.
Rhode Island. District office: Providence.
Vermont. District office: Montpelier.

REGION 2

Delaware. District office: Wilmington. Field office: Dover.
District of Columbia. District office: Washington.
Maryland. District office: Baltimore. Field office: Hagerstown.
New Jersey. District office: Camden. Field office: Atlantic City.
Pennsylvania. District offices: Altoona, Erie, Harrisburg, Philadelphia, Pittsburgh, Scranton, and Williamsport. Field offices: Allentown and Reading.
Virginia. District offices: Richmond and Roanoke. Field office: Norfolk.

REGION 3

Indiana. District office: Indianapolis. Field offices: Evansville, Fort Wayne, and South Bend.
Kentucky. District offices: Lexington and Louisville.
Michigan. District offices: Detroit, Grand Rapids, and Saginaw. Field offices: Cadillac and Lansing.
Ohio. District offices: Cincinnati, Cleveland, Columbus, and Toledo. Field offices: Canton, Dayton, Youngstown, and Zanesville.
West Virginia. District office: Charleston. Field office: Wheeling.

REGION 4

Alabama. District offices: Birmingham and Montgomery. Field office: Mobile.
Florida. District office: Jacksonville. Field offices: Miami and Tampa.
Georgia. District offices: Atlanta and Savannah.
Mississippi. District office: Jackson.
North Carolina. District offices: Charlotte and Raleigh.
South Carolina. District office: Columbia.
Tennessee. District offices: Memphis and Nashville. Field office: Knoxville.

REGION 5

Arkansas. District office: Little Rock.
Kansas. District office: Wichita. Field office: Topeka.
Louisiana. District offices: New Orleans and Shreveport. Field office: Baton Rouge.
Missouri. District offices: Kansas City and Saint Louis. Field offices: Jefferson City and Springfield.
Oklahoma. District offices: Oklahoma City and Tulsa.
Texas. District offices: Dallas, Fort Worth, Houston, Lubbock, and San Antonio. Field offices: Amarillo, Austin, and El Paso.

REGION 6

Illinois. District offices: Chicago, Peoria, and Springfield. Field offices: Cairo, Danville, and Rockford.
Iowa. District offices: Davenport, Des Moines, and Sioux City. Field office: Mason City.
Michigan. District office: Escanaba.
Minnesota. District offices: Duluth and Minneapolis.
Nebraska. District offices: North Platte and Omaha.
North Dakota. District office: Fargo. Field office: Bismarck.
South Dakota. District office: Sioux Falls. Field office: Pierre.
Wisconsin. District offices: Green Bay, La Crosse, and Milwaukee. Field offices: Madison and Wausau.

REGION 7

Colorado. District office: Denver.
Idaho. District office: Boise.
Montana. District office: Butte.
New Mexico. District office: Albuquerque.
Utah. District office: Salt Lake City.
Wyoming. District office: Casper.

REGION 8

Arizona. District office: Phoenix.
California. District offices: Fresno, Los Angeles, Sacramento, San Diego, and San Francisco.
Nevada. District office: Reno.
Oregon. District office: Portland.
Washington. District offices: Seattle and Spokane.

APPENDIX 3—DISTRICT OFFICES BY STATES, WITH COUNTIES UNDER THE JURISDICTION OF EACH OFFICE

ALABAMA

Birmingham. Bibb, Blount, Calhoun, Cherokee, Clay, Cleburne, Colbert, Cullman, DeKalb, Etowah, Fayette, Franklin, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Pickens, Randolph, St. Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston.

Montgomery. Autauga, Baldwin, Barbour, Bullock, Butler, Chambers, Chilton, Choctaw, Clarke, Coffee, Conecuh, Coosa, Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva, Greene, Hale, Henry, Houston, Lee, Lowndes, Macon, Marengo, Mobile, Monroe, Montgomery, Perry, Pike, Russell, Sumter, Tallapoosa, Washington, and Wilcox.

ARIZONA

Phoenix. The State of Arizona except those parts and portions of the Counties of Coconino and Mohave lying and situated north of the Colorado River.

ARKANSAS

Little Rock. The State of Arkansas.

CALIFORNIA

Fresno. Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, and Tulare.

Los Angeles. Inyo, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura.

Sacramento. Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Mono, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba.

San Diego. Imperial and San Diego.

San Francisco. Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, and Sonoma.

COLORADO

Denver. The State of Colorado.

CONNECTICUT

Hartford. The State of Connecticut.

DELAWARE

Wilmington. The State of Delaware.

DISTRICT OF COLUMBIA

Washington. The District of Columbia.

FLORIDA

Jacksonville. The State of Florida.

GEORGIA

Atlanta. Baldwin, Banks, Barrow, Bartow, Bibb, Bleckley, Butts, Carroll, Catoosa, Chattahoochee, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Crawford, Crisp, Dade, Dawson, DeKalb, Dodge, Dooly, Douglas, Elbert, Fannin, Fayette, Floyd, Forsyth, Franklin, Fulton, Gilmer, Gordon, Greene, Gwinnett, Habersham, Hall, Hancock, Haralson, Harris, Hart, Heard, Henry, Houston, Jackson, Jasper, Johnson, Jones, Lamar, Laurens, Lee, Lincoln, Lumpkin, Macon, Madison, Marion, Meriwether, Monroe, Morgan, Murray, Muscogee, Newton, Oconee, Oglethorpe, Paulding, Peach, Pickens, Pike, Polk, Pulaski, Putnam, Quitman, Rabun, Randolph, Rockdale, Schley, Spalding, Stephens, Stewart, Sumter, Talbot, Taliaferro, Taylor, Terrell, Towns, Troup, Twiggs, Union, Upson, Walker, Walton, Washington, Webster, White, Whitfield, Wilcox, Wilkes, and Wilkinson.

Savannah. Appling, Atkinson, Bacon, Baker, Ben Hill, Berrien, Brantley, Brooks, Bryan, Bulloch, Burke, Calhoun, Camden, Candler, Chariton, Chatham, Clay, Clinch, Coffee, Colquitt, Columbia, Cook, Decatur, Dougherty, Early, Echols, Effingham, Emanuel, Evans, Glascock, Glynn, Grady, Irwin, Jeff Davis, Jefferson, Jenkins, Lanier, Liberty, Long, Lowndes, McDuffie, McIntosh, Miller, Mitchell, Montgomery, Pierce, Richmond, Screven, Seminole, Tattnall, Telfair, Thomas, Tift, Toombs, Treutlen, Turner, Ware, Warren, Wayne, Wheeler, and Worth.

IDAHO

Boise. Ada, Adams, Bannock, Bear Lake, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Custer, Elmore, Franklin, Fremont, Gem, Gooding, Jefferson, Jerome, Lemhi, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls, Valley, and Washington Counties in Idaho, and Malheur County, Oregon.

ILLINOIS

Chicago. Cook, Du Page, Kane, Lake, and McHenry Counties in Illinois, and Lake County, Indiana.

Peoria. Bureau, Ford, Fulton, Grundy, Iroquois, Kankakee, Kendall, Knox, La Salle, Livingston, Marshall, Mason, McDonough, McLean, Peoria, Putnam, Stark, Tazewell, Warren, Will, and Woodford.

Springfield. Adams, Alexander, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, De Witt, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Logan, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Schuyler, Scott, Shelby, Union, Vermilion, Wabash, Washington, Wayne, White and Williamson.

INDIANA

Indianapolis. The State of Indiana except Lake County, Indiana.

IOWA

Davenport. Cedar, Clinton, Des Moines, Dubuque, Henry, Jackson, Jones, Lee, Louisa, Muscatine, and Scott Counties in Iowa, and Boone, Carroll, De Kalb, Hancock, Henderson, Henry, Jo Daviess, Lee, Mercer, Ogle, Rock Island, Stephenson, Whiteside, and Winnebago Counties in Illinois.

Des Moines. Adair, Adams, Appanoose, Benton, Black Hawk, Boone, Bremer, Buchanan, Butler, Calhoun, Carroll, Cerro Gordo, Chickasaw, Clarke, Clay, Clayton, Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette, Floyd, Franklin, Greene, Grundy, Guthrie, Hamilton, Hancock, Hardin, Howard, Humboldt, Iowa, Jasper, Jefferson, Johnson, Keokuk, Kossuth, Linn, Lucas, Madison, Mahaska, Marion, Marshall, Mitchell, Monroe, Palo Alto, Pocahontas, Polk, Poweshiek, Ringgold, Story, Tama, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, Winnebago, Worth, and Wright.

Sioux City. Buena Vista, Cherokee, Crawford, Ida, Monona, O'Brien, Plymouth, Sac, Sioux, and Woodbury Counties in Iowa, Bon Homme, Clay, Union, and Yankton Counties in South Dakota; and Antelope, Boyd, Brown, Cedar, Cherry, Dakota, Dixon, Holt, Keya Paha, Knox, Pierce, Rock, Thurston, Wayne, and Wheeler Counties in Nebraska.

KANSAS

Wichita. The State of Kansas except the Counties of Johnson, Leavenworth, and Wyandotte.

KENTUCKY

Lexington. Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe, and Woodford.

Louisville. Adair, Allen, Anderson, Ballard, Barren, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, Marion, Marshall, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, and Webster.

LOUISIANA

New Orleans. Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, La Fourche, Livingston, Orleans, Plaquemines, Pointe Coupee, Rapides, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, West Baton Rouge, and West Feliciana.

Shreveport. Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, De Soto, East Carroll, Franklin, Grant, Jackson, La Salle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Sabine, Tensas, Union, Webster, West Carroll, and Winn.

MAINE

Augusta. The State of Maine.

MARYLAND

Baltimore. The State of Maryland.

MASSACHUSETTS

Boston. The State of Massachusetts.

MICHIGAN

Detroit. Clinton, Eaton, Hillsdale, Ingham, Jackson, Lenawee, Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne.

Escanaba. Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.

Grand Rapids. Allegan, Antrim, Barry, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Emmet, Grand Traverse, Ionia, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, St. Joseph, Van Buren, and Wexford.

Saginaw. Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Genesee, Gladwin, Gratiot, Huron, Iosco, Isabella, Lapeer, Midland, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, Sanilac, Shiawassee, and Tuscola.

MINNESOTA

Duluth. Aitkin, Beltrami, Carlton, Cass, Cook, Crow Wing, Itasca, Koochiching, Lake, Lake of the Woods, Pine, and St. Louis Counties in Minnesota, and Ashland, Bayfield, Burnett, Douglas, Iron, Sawyer, and Washburn Counties in Wisconsin.

Minneapolis. Anoka, Benton, Blue Earth, Brown, Carver, Chippewa, Chisago, Cottonwood, Dakota, Dodge, Faribault, Freeborn, Goodhue, Hennepin, Isanti, Jackson, Kanabec, Kandiyohi, Le Sueur, Martin, McLeod, Meeker, Mille Lacs, Morrison, Mower, Nicollet, Pope, Ramsey, Redwood, Renville, Rice, Scott, Sherburne, Sibley, Stearns, Steele, Stevens, Swift, Todd, Waseca, Washington, Watonwan, and Wright Counties in Minnesota, and Pierce, Polk, and St. Croix Counties in Wisconsin.

MISSISSIPPI

Jackson. The State of Mississippi.

MISSOURI

Kansas City. Andrew, Atchison, Barry, Barton, Bates, Benton, Buchanan, Caldwell, Carroll, Cass, Cedar, Christian, Clay, Clinton, Dade, Dallas, Daviess, De Kalb, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Jackson, Jasper, Johnson, Lafayette, Lawrence, Linn, Livingston, McDonald, Mercer, Newton, Nodaway, Pettis, Platte, Polk, Putnam, Ray, St. Clair, Saline, Stone, Sullivan, Taney, Vernon, Webster, and Worth Counties in Missouri, and Johnson, Leavenworth, and Wyandotte Counties in Kansas.

St. Louis. Adair, Audrian, Bollinger, Boone, Butler, Callaway, Camden, Cape, Girardeau, Carter, Chariton, Clark, Cole, Cooper, Crawford, Dent, Douglas, Dunklin, Franklin, Gasconade, Howard, Howell, Iron, Jefferson, Knox, Laclede, Lewis, Lincoln, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Ozark, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, Ripley, St. Charles, St. Francois, Ste. Genevieve, St. Louis, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Warren, Washington, Wayne, and Wright.

MONTANA

Butte. The State of Montana.

NEBRASKA

North Platte. Adams, Arthur, Banner, Blaine, Box Butte, Buffalo, Chase, Cheyenne, Custer, Dawes, Dawson, Deuel, Dundy, Franklin, Frontier, Furnas, Garden, Garfield, Gosper, Grant, Greeley, Hall, Harlan, Hayes, Hitchcock, Hooker, Howard, Kearney, Keith, Kimball, Lincoln, Logan, Loup, McPherson, Morrill, Perkins, Phelps, Redwillow, Scotts Bluff, Sheridan, Sherman, Sioux, Thomas, Valley, and Webster.

Omaha. Boone, Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Gage, Hamilton, Jefferson, Johnson, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Washington, and York Counties in Nebraska, and Audubon, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie, Shelby, and Taylor Counties in Iowa.

NEVADA

Reno. The State of Nevada.

NEW HAMPSHIRE

Concord. The State of New Hampshire.

NEW JERSEY

Camden. Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem.

Newark. Bergen, Essex, Hudson, Morris, Passaic, Sussex, and Union.

Trenton. Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Somerset, and Warren.

NEW MEXICO

Albuquerque. The State of New Mexico.

NEW YORK

Albany. Albany, Clinton, Columbia, Essex, Franklin, Fulton, Greene, Hamilton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Ulster, Warren, and Washington.

Binghamton. Broome, Chemung, Chenango, Cortland, Delaware, Otsego, Schuyler, Steuben, Sullivan, Tioga, Tompkins, and Yates.

Buffalo. Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Orleans, and Wyoming.

New York. Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester.

Syracuse. Cayuga, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Ontario, Oswego, St. Lawrence, Seneca, and Wayne.

NORTH CAROLINA

Charlotte. Alexander, Alleghany, Anson, Ashe, Avery, Buncombe, Burke, Cabarrus, Caldwell, Catawba, Cherokee, Clay, Cleveland, Davidson, Davie, Forsyth, Gaston, Graham, Guilford, Haywood, Henderson, Iredell, Jackson, Lincoln, Macon, Madison, McDowell, Mecklenburg, Mitchell, Montgomery, Polk, Randolph, Richmond, Rockingham, Rowan, Rutherford, Stanly, Stokes, Surry, Swain, Transylvania, Union, Watauga, Wilkes, Yadkin, and Yancey.

Raleigh. Alamance, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Duplin, Durham, Edgecombe, Franklin, Gates, Ganville, Greene, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Robeson, Sampson, Scotland, Tyrrell, Vance, Wake, Warren, Washington, Wayne, and Wilson.

NORTH DAKOTA

Fargo. The State of North Dakota, and Becker, Clay, Clearwater, Douglas, Grant, Hubbard, Kittson, Mahnomen, Marshall, Norman, Otter Tail, Pennington, Polk, Red Lake, Roseau, Traverse, Wadena, and Wilkin Counties in Minnesota.

OHIO

Cincinnati. Adams, Brown, Butler, Clark, Clermont, Clinton, Darke, Greene, Hamilton, Highland, Lawrence, Miami, Montgomery, Preble, Scioto, and Warren.

Cleveland. Ashland, Ashtabula, Carroll, Columbiana, Cuyahoga, Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne.

Columbus. Athens, Belmont, Champaign, Coshocton, Delaware, Fairfield, Fayette, Franklin, Gallia, Guernsey, Harrison, Hocking, Holmes, Jackson, Jefferson, Knox, Licking, Logan, Madison, Marion, Meigs, Monroe, Morgan, Morrow, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Shelby, Union, Vinton, and Washington.

Toledo. Allen, Auglaize, Crawford, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot.

OKLAHOMA

Oklahoma City. Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Lincoln, Logan, Love, Major, Marshall, McClain, McCurtain, Murray, Noble, Oklahoma, Payne, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Seminole, Stephens, Texas, Tillman, Washita, Woods, and Woodward.

Tulsa. Adair, Cherokee, Craig, Creek, Delaware, Haskell, Hughes, Latimer, Le Flore, Mayes, McIntosh, Muskogee, Nowata, Okfuskee, Okmulgee, Osage, Ottawa, Pawnee, Pittsburg, Rogers, Sequoyah, Tulsa, Wagoner, and Washington.

OREGON

Portland. The State of Oregon except the County of Malheur, Oregon; Clark, Cowlitz, Klickitat, Skamania, and Wahkiakum Counties in Washington; and, that part and portion of Pacific County, Washington, lying west of Willapa Bay and south and west of the Naselle River from its mouth to its confluence with Salmon Creek and south and west of said creek from said point to the west line of Wahkiakum County, Washington.

PENNSYLVANIA

Altoona. Bedford, Blair, Cambria, Clearfield, Fulton, Huntingdon, Indiana, Jefferson, and Somerset.

Erie. Clarion, Crawford, Erie, Forest, Mercer, Venango, and Warren.

Harrisburg. Adams, Cumberland, Dauphin, Franklin, Juniata, Lancaster, Lebanon, Mifflin, Perry, and York.

Philadelphia. Berks, Bucks, Chester, Delaware, Lehigh, Montgomery, Northampton, and Philadelphia.

Pittsburgh. Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Lawrence, Washington, and Westmoreland.

Scranton. Carbon, Columbia, Lackawanna, Luzerne, Monroe, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming.

Williamsport. Bradford, Cameron, Centre, Clinton, Elk, Lycoming, McKean, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, and Union.

RHODE ISLAND

Providence. The State of Rhode Island.

SOUTH CAROLINA

Columbia. The State of South Carolina.

SOUTH DAKOTA

Sioux Falls. The State of South Dakota except the Counties of Bon Homme, Clay, Union, and Yankton; Lyon and Osceola Counties in Iowa; and, Big Stone, Lac Qui Parle, Lincoln, Lyon, Murray, Nobles, Pipestone, Rock, and Yellow Medicine Counties in Minnesota.

TENNESSEE

Memphis. Bedford, Benton, Carroll, Chester, Coffee, Crockett, Decatur, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Madison, Marion, Marshall, Maury, McNairy, Montgomery, Moore, Obion, Perry, Shelby, Stewart, Tipton, Wayne, and Weakley.

Nashville. Anderson, Bledsoe, Blount, Bradley, Campbell, Cannon, Carter, Cheatham, Claiborne, Clay, Cocke, Cumberland, Davidson, De Kalb, Fentress, Grainger, Greene, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jefferson, Johnson, Knox, Loudon, Macon, McMinn, Meigs, Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Robertson, Rutherford, Scott, Sequatchie, Sevier, Smith, Sullivan, Sumner, Trousdale, Unicoi, Union, Van Buren, Warren, Washington, White, Williamson, Wilson, and the City of Bristol, Virginia.

TEXAS

Dallas. Anderson, Bowie, Camp, Cass, Cherokee, Collin, Dallas, Delta, Ellis, Fannin, Franklin, Freestone, Grayson, Gregg, Harrison, Henderson, Hopkins, Hunt, Kaufman, Lamar, Limestone, Marion, Morris, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Smith, Titus, Upshur, Van Zandt, and Wood.

Fort Worth. Archer, Baylor, Bell, Bosque, Brown, Callahan, Clay, Coke, Coleman, Comanche, Concho, Cooke, Coryell, Denton, Eastland, Erath, Falls, Fisher, Foard, Hamilton, Hardeman, Haskell, Hill, Hood, Jack, Johnson, Jones, Knox, Lampasas, McCulloch, McLennan, Mills, Montague, Nolan, Palo Pinto, Parker, Runnels, San Saba, Shackelford, Somervell, Stephens, Tarrant, Taylor, Throckmorton, Tom Green, Wichita, Wilbarger, Wise, and Young.

Houston. Angelina, Austin, Brazoria, Brazos, Burleson, Chambers, Colorado, Fayette, Fort Bend, Galveston, Grimes, Hardin, Harris, Houston, Jackson, Jasper, Jefferson, Lavaca, Lee, Leon, Liberty, Madison, Matagorda, Milam, Montgomery, Nacogdoches, Newton, Orange, Polk, Robertson, Sabine, San Augustine, San Jacinto, Shelby, Trinity, Tyler, Walker, Waller, Washington, and Wharton.

Lubbock. Andrews, Armstrong, Bailey, Borden, Brewster, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crane, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, El Paso, Floyd, Gaines, Garza, Glasscock, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Kent, King, Lamb, Lipscomb, Loving, Lubbock, Lynn, Martin, Midland, Mitchell, Moore, Motley, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Reeves, Roberts, Scurry, Sherman, Sterling, Stonewall, Swisher, Terry, Upton, Ward, Wheeler, Winkler, and Yoakum.

San Antonio. Aransas, Atascosa, Bandera, Bastrop, Bee, Bexar, Blanco, Brooks, Burnet, Caldwell, Calhoun, Cameron, Comal, Crockett, De Witt, Dimmit, Duval, Edwards, Frio, Gillespie, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Llano, Mason, Maverick, McMullen, Medina, Menard, Nueces, Real, Refugio, San Patricio, Schleicher, Starr, Sutton, Terrell, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata, and Zavala.

UTAH

Salt Lake City. The State of Utah and those parts and portions of the Counties of Coconino and Mohave in Arizona, lying and situated north of the Colorado River.

VERMONT

Montpelier. The State of Vermont.

VIRGINIA

Richmond. Accomac, Albemarle, Amelia, Brunswick, Buckingham, Caroline, Charles City, Chesterfield, Culpeper, Cumberland, Dinwiddie, Elizabeth City, Essex, Fluvanna, Gloucester, Goochland, Greene, Greensville, Hanover, Henrico, Isle of Wight, James City, King and Queen, King George, King William, Lancaster, Louisa, Lunenburg, Madison, Mathews, Mecklenburg, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland, Nottoway, Orange, Powhatan, Prince Edward, Prince George, Princess Anne, Richmond, Southampton, Spotsylvania, Stafford, Surry, Sussex, Warwick, Westmoreland, and York.

Roanoke. Alleghany, Amherst, Appomattox, Arlington, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Campbell, Carroll, Charlotte, Clarke, Craig, Dickinson, Fairfax, Fauquier, Floyd, Franklin, Frederick, Giles, Grayson, Halifax, Henry, Highland, Lee, Loudoun, Montgomery, Nelson, Page, Patrick, Pittsylvania, Prince William, Pulaski, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe Counties, and the Independent Cities of Alexandria, Arlington, Buena Vista, Clifton Forge, Danville, Harrisonburg, Lynchburg, Martinsville, Radford, Roanoke, Staunton, and Winchester.

WASHINGTON

Seattle. Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom, and Yakima Counties; that part and portion of Okanogan County not described under the Spokane District Office; and, that part and portion of Pacific County not described under the Portland District Office.

Spokane. Adams, Asotin, Benton, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties, Washington; the southeast neck of Okanogan County, Washington, including the town of Nespelem; and, Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, and Shoshone Counties in Idaho.

WEST VIRGINIA

Charleston. The State of West Virginia.

WISCONSIN

Green Bay. Brown, Calumet, Door, Florence, Forest, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Oconto, Oneida, Outagamie, Portage, Price, Shawano, Taylor, Vilas, Waupaca, Waushara, Winnebago, and Wood.

La Crosse. Barron, Buffalo, Chippewa, Clark, Crawford, Dunn, Eau Claire, Grant, Jackson, La Crosse, Monroe, Pepin, Richland, Rusk, Trempealeau, and Vernon Counties in Wisconsin; Fillmore, Houston, Olmsted, Wabasha, and Winona Counties in Minnesota; and Allamakee and Winneshiek Counties in Iowa.

Milwaukee. Adams, Columbia, Dane, Dodge, Fond du Lac, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Lafayette, Marquette, Milwaukee, Ozaukee, Racine, Rock, Sauk, Sheboygan, Walworth, Washington, and Waukesha.

WYOMING

Casper. The State of Wyoming.

[F. R. Doc. 44-15544; Filed, Oct. 7, 1944; 11:35 a. m.]

[Administrative Order ODT 17A, Amdt. 1]

PART 503—ADMINISTRATION

PROCEDURES AND DELEGATIONS OF AUTHORITY UNDER GENERAL ORDER ODT 16B

Pursuant to § 502.209 of General Order ODT 16B, Appendix A of Administrative Order ODT 17A (9 F.R. 11281), is hereby amended by changing the names of the port areas shown opposite the State of Connecticut to read as follows:

* * * * *

Connecticut: Bridgeport, New Haven, and New London.

* * * * *

This Amendment 1 to Administrative Order ODT 17A shall become effective October 13, 1944.

(E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; General Order ODT 16B, 9 F.R. 11279)

Issued at Washington, D. C., this 9th day of October 1944.

E. J. CONNORS,
Assistant Director,
Railroad Transport Department,
Office of Defense Transportation.

[F. R. Doc. 44-15579; Filed, Oct. 7, 1944; 4:13 p. m.]

[Special Direction ODT 7, Rev. 3]

PART 522—DIRECTION OF TRAFFIC MOVEMENT—EXCEPTIONS, PERMITS AND SPECIAL DIRECTIONS

MOVEMENT OF TRAFFIC IN RAILWAY TANK CARS

Pursuant to the provisions of §§ 502.102 and 502.103 of General Order ODT 7, Revised, as amended (7 F.R. 10484, 9 F.R. 11713), it is hereby ordered, that:

§ 522.903 *Use of tank cars restricted.* Unless authorized by general or special permit issued by the Office of Defense Transportation, no person shall offer for shipment and no carrier shall accept for shipment, forward, or transport, any loaded tank car of a shell capacity of less than 7,000 gallons (a) containing petroleum or petroleum products to be transported to a destination in District No. 1, as defined in § 502.100 (h), General Order ODT 7, Revised, from a point of origin outside such district, or (b) containing a commodity to be transported to a destination in the States of California, Oregon or Washington from a point of origin outside such States.

§ 522.904 *Communications.* Communications concerning this special direction should be addressed to the Tank Car Division, Liquid Transport Department, Office of Defense Transportation, Washington 25, D. C., and should refer to "Special Direction ODT 7, Revised-3".

This special direction shall become effective October 10, 1944.

NOTE: The recording and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued at Washington, D. C., this 9th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-15578; Filed, Oct. 7, 1944; 4:13 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

PART 24—WEST CENTRAL REGION NATIONAL WILDLIFE REFUGES

UPPER MISSISSIPPI RIVER WILDLIFE AND FISH REFUGE

Under authority of the Upper Mississippi River Wild Life and Fish Refuge Act of June 7, 1924 (43 Stat. 650), as amended, § 24.919a of the regulations of the Secretary dated September 19, 1939 (50 C.F.R., Cum. Supp., 24.919a), is amended by adding at the end of the title the words, "ring-necked pheasants, squirrels, and rabbits," and by inserting in the first paragraph thereof following the words "Wilson's snipes or jacksnipes" the words, ", ring-necked pheasants, squirrels, and rabbits".

OSCAR L. CHAPMAN,
Assistant Secretary.

OCTOBER 5, 1944.

[F. R. Doc. 44-15529; Filed, Oct. 7, 1944; 9:27 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. 651 et al.]

KANSAS CITY-TULSA-NEW ORLEANS SERVICE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the applications of Mid-Continent Airlines, Inc., Delta Air Corporation and National Airlines, Inc., for certificates and amendments of certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that oral argument in the above-entitled proceeding now assigned for October 9 is hereby postponed to be held October 16, 1944, at 10 a. m. (eastern war time) in Room 5042, Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before the Board.

Dated: Washington, D. C., October 6, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 44-15602; Filed, Oct. 9, 1944; 11:15 a. m.]

[Docket No. 855 et al.]

NORTHEAST AIRLINES, INC.

NOTICE OF HEARING

In the matter of the applications of Northeast Airlines, Inc., and other applicants for certificates of public convenience and necessity, known as the North Atlantic Route case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on October 16, 1944, at 10:00 a. m. (eastern war time) in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets, N. W., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated: Washington, D. C., October 4, 1944.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS, *Secretary.*

[F. R. Doc. 44-15603; Filed, Oct. 9, 1944; 11:15 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-581 and G-582]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATIONS

OCTOBER 6, 1944.

Notice is hereby given that on September 27, 1944, Hope Natural Gas Company, a West Virginia corporation having its principal place of business at 445 West Main Street, Clarksburg, West Virginia, filed with the Federal Power Commission two (2) applications pursuant to section 7 of the Natural Gas Act, as amended, for approval and permission to abandon certain natural gas transmission facilities described in such applications as follows:

(1) Docket No. G-581. Applicant proposes to abandon its Coxs Mills Compressor Station located in Gilmer County, West Virginia. The equipment in this compressor station consists mainly of:

One 14" x 20" 60-horsepower Clark and Norton Gas Engine to which is attached one 9" x 20" Clark Brothers compressor.

Appurtenant equipment consisting mainly of water pumps, air compressor, tanks, miscellaneous station piping, valves and structures.

In the application, it is stated that Applicant's Coxs Mills Compressor Station formerly pumped casing-head gas from a group of oil wells owned by Hope Construction and Refining Company. These wells were sold to the South Penn Natural Gas Company, which company diverts the casing-head gas through its own pipeline system, thus making it unnecessary for applicant further to maintain and operate Coxs Mills Station.

(2) Docket No. G-582. Applicant proposes to abandon its Indian Creek Compressor Station located in Monongalia County, West Virginia. The equipment in this compressor station consists mainly of:

Two 15" x 24" 80-horsepower Clark and Norton Gas Engines to which are attached two 10" x 24" Clark and Norton compressors.

Two 14" x 20" 60-horsepower Clark and Norton Gas Engines to which are attached two Clark and Norton compressors, sizes 12" x 20" and 14" x 20".

Appurtenant equipment consisting mainly of air compressors and engines, tanks, boiler, generator equipment, miscellaneous station piping, valves and structures.

Due to the exhaustion of the supply in the field from which Indian Creek Compressor Station formerly pumped gas, the operation and maintenance of the station is no longer feasible or economical, the applicant states in the application.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before the 20th day of October, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 44-15587; Filed, Oct. 9, 1944; 9:31 a. m.]

[Docket Nos. G-522 and G-549]

MEMPHIS NATURAL GAS CO.

ORDER PROVIDING FOR ORAL ARGUMENT IN LIEU OF FILING BRIEFS

OCTOBER 6, 1944.

It appearing to the Commission that:

(a) During the course of the hearing in the above-entitled proceedings, the parties, including applicant and interveners, through their respective trial counsel present in open hearing agreed that oral argument before the Commission sitting en banc (the trial examiner sitting with the Commission), may be substituted in lieu of filing briefs;

(b) The suggested procedure thus agreed to would save considerable time and enable the Commission earlier to dispose finally of the proceedings, such early action being desirable in the circumstances;

Wherefore, the Commission orders that:

(A) Oral argument on the matters involved and the issues presented in these proceedings be had before the Commission sitting en banc (the trial examiner sitting with the Commission) commencing October 16, 1944, at 9 a. m., in the Hearing Room of the Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C.;

(B) Counsel of record in these proceedings desiring to do so may file with the Commission on or before October 23, 1944, a written statement of points and authorities supplementing oral argument or in lieu thereof.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 44-15588; Filed, Oct. 9, 1944; 9:32 a. m.]

[Docket No. G-583]

MISSISSIPPI RIVER FUEL CORP.

NOTICE OF APPLICATION

OCTOBER 6, 1944.

Notice is hereby given that on September 28, 1944, Mississippi River Fuel Corporation, a Delaware corporation having its principal place of business at 407 N. Eighth Street, St. Louis, Missouri, filed with the Federal Power Commission an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

One (1) Stefco Steel Building extension 28' x 72' x 18' high to eaves, with concrete foundation and cement floor.

Four (4) Clark 600 BHP, Model RA-6, 300 RPM, Super-Two-Cycle, Right Angle Gas Engines, each engine direct connected to three (3) 12½" double acting compressors, with miscellaneous equipment including oil coolers, foundation bolts, Clark Steel Mufflers and Vortox Air Filters, with reinforced concrete foundations.

Extension of two (2) 22-inch Suction Headers, one 20-inch Discharge Header and installation of one 16-inch Suction Header each of which is 72 feet long. Installation of ten-inch suction and discharge piping connections, including valves and fittings between Headers and Compressors.

Installation of four (4) shell and tube type heat exchangers, 250# W. P. in the discharge piping from the compressors for gas cooling, together with pipe, valves and fittings required for the water

supply and return lines. (Two of these shell and tube type coolers will be available from the conversion of the National Transit #8 to high-stage.)

Addition of one (1) 1500 GPM Electric Motor Driven Water Pump; replacing of existing 10-inch main with 14-inch pipe in the main-water-supply line and extension of piping, including pipe, valves and fittings in the engine jacket gas cooling water system.

Additions and extensions of piping to oil coolers, fuel to engines, starting air to engines and electric lighting.

Installation of two new 14½" x 36" compressor cylinders on 1200 HP National Transit Engine #8 for conversion to high-stage.

Removing two (2) shell and tube type heat exchangers, 250# W. P. in discharge lines from National Transit #8 and replacing with heat exchangers of same type, 500# W. P. (the 250# W. P. exchangers to be used with the new Clark low-stage installations.)

Extend discharge piping from National Transit #8 to connect with high-stage discharge.

Extend suction lines on #1 and #2 Cooper Engines to connect with 16-inch high-stage Suction Header.

Extension of two (2) Orifice Meter units into #4 suction line at Perryville Station.

Installation of 500 GMP Electric Motor Driven Water Pump at Bayou Bartholemew and laying approximately ten thousand (10,000) feet of 8-inch steel pipe between the Bayou and station for make-up water supply.

The foregoing described facilities are to be installed in order to maintain the input capacity of applicant's pipe line and are required because of the decrease in pressures in the Monroe Field, Louisiana, it is stated in the application. They are not for the purpose of increasing the deliverable capacity of applicant's pipeline system or for the purpose of taking on any additional business, it is further stated in the application.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 20th day of October, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-15589; Filed, Oct. 9, 1944; 9:32 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5228]

WASHINGTON FISH & OYSTER CO., INC.

Complaint. The Federal Trade Commission, having reason to believe that the party respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of subsection (c) of section 2 of the Clayton Act (U.S.C. Title 15, sec. 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent Washington Fish & Oyster Company, Inc., is a corporation, organized and existing under the laws of the State of Washington, with its principal office and place of business located at Pier Four, Seattle, Washington.

PAR. 2. Respondent Washington Fish & Oyster Company, Inc., is now engaged and for many years prior hereto has engaged in the business of packing, buying, selling and distributing fresh and frozen fish, salt and smoked fish, canned salmon, and other sea food products (all of which are hereinafter called sea food products) in its own name and for its own account.

The respondent sells and distributes its sea food products by two separate and distinct methods. The first and principal method is by utilizing intermediaries who act as respondent's agents in negotiating the sale of its sea food products, at respondent's prices, and on respondent's terms, and for which services such intermediaries are paid commissions or brokerage fees. The second method is by selling its sea food products directly to a single large buyer, W. M. Meador & Company, to whom respondent pays, directly or indirectly, commissions or brokerage fees on such purchases of sea food products purchased by it in its own name and for its own account.

PAR. 3. The respondent in the course and conduct of its said business, since June 19, 1936, has sold and distributed a substantial portion of its sea food products directly to said W. M. Meador & Company, which is located in Mobile, Alabama, a state other than the state in which the respondent is located; and as a result of said sales and the respondent's instructions, such sea food products have been shipped and transported across state lines by respondent to said buyer.

PAR. 4. The respondent, since June 19, 1936, in connection with the interstate sale and distribution of sea food products has been and is now paying or granting or has paid or granted, directly or indirectly, commissions, brokerage or other compensation or allowances or discounts in lieu thereof to W. M. Meador & Company, who purchased said sea food products in its own name and for its own account.

PAR. 5. While said W. M. Meador & Company designates itself a "broker," it is not a broker in fact. Contrary to the manner in which a broker operates, said company purchases and resells for its own account, taking title to and assuming all risks incident to ownership. Said company pays the price of the products purchased from respondent as a condition precedent to delivery of the goods by the carrier to it. If products shipped by respondent to it are lost or damaged in transit, it files claims with the carrier and collects damages from the carrier for its own account. Upon receipt of the products from respondent, said company warehouses them in its own warehouse or in public warehouses, and insures the products in its own name against loss or damage. Subsequently said company has pledged warehouse receipts and insurance contracts covering these products as security for loans from banks. When such products are sold by said company they are sold at prices, terms, and conditions for sale determined by said company and are invoiced in the name of said company, which assumes full and complete credit risks.

Said company masks these buying operations under the fictionalized designation of "broker," "merchandise broker," or "primary distributor," for the sole purpose of coloring the name and method of its operations in order to collect commissions or brokerage fees from respondent and from others. Said company shops the market and purchases products from several sellers, including respondent, and purchases where it is able to secure the most favorable prices and terms including the payment of commissions and brokerage fees. Said company is itself the respondent in a proceeding alleging these facts, Docket 4928.

PAR. 6. The acts and practices of the respondent in promoting sales of sea food products by paying to W. M. Meador & Company, directly or indirectly, commissions, brokerage or other compensation and allowances or discounts in lieu thereof, as set forth above, are in violation of subsection (c) of section 2 of the Clayton Act, as amended.

Wherefore, the premises considered, the Federal Trade Commission on this 3d day of October A. D. 1944, issues its complaint against said respondent.

Notice. Notice is hereby given you, Washington Fish & Oyster Company, Inc., a corporation, respondent herein, that the 10th day of November A. D. 1944, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true.

Contemporaneously with the filing of such answer the respondent may give notice in writing that he desires to be heard on the question as to whether the admitted facts constitute the violation of law charged in the complaint. Pursuant to such notice, the respondent may file a brief, directed solely to that question, in accordance with Rule XXIII.

In witness whereof, The Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 3d day of October A. D. 1944.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-15543; Filed, Oct. 7, 1944; 11:14 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 84-A]

COUDERSPORT AND PORT ALLEGANY RAILROAD

WITHDRAWAL OF REROUTING ORDER

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of October A. D. 1944.

Upon further consideration of Service Order No. 84 of August 27, 1942, and good cause appearing therefor: *It is ordered,* That:

Service Order No. 84 of August 27, 1942, requiring the Coudersport and Port Allegany Railroad because of flood conditions to reroute traffic to and from points on the Coudersport and Port Allegany Railroad via the Baltimore and Ohio Railroad through Newfield Junction instead of via Port Allegany and the Pennsylvania Railroad, be, and it is hereby vacated. (40 Stat. 101, secs. 402, 418, 41 Stat. 476, 485, secs. 4, 10, 54 Stat. 901, 912; 49 U.S.C. 1 (10)-(17), 15 (4))

And it is further ordered, That this order shall become effective at 12:01 a. m., October 23, 1944; that a copy of this order and direction shall be served upon the Coudersport and Port Allegany Railroad Company and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 44-15531; Filed, Oct. 7, 1944; 10:58 a. m.]

[S. O. 70-A, Special Permit 557]

RECONSIGNMENT OF PRUNES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, October 2 or 3, 1944, by Wishnatzki & Nathel Company, of car LMLX 1408, prunes, on the Chicago Produce Terminal, to Wishnatzki & Nathel Company, New York, New York (Erie).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15532; Filed, Oct. 7, 1944; 10:58 a. m.]

[S. O. 70-A, Special Permit 558]

RECONSIGNMENT OF CELERY AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by pararaph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, October 3, 1944, by Yankee Brokerage Company, of car ERDX 3121, celery, now on the Burlington Lines, to Joe Tahi, Jacksonville, Florida (Frisco-L&N-SAL).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15533; Filed, Oct. 7, 1944; 10:58 a. m.]

[S. O. 70-A, Special Permit 559]

RECONSIGNMENT OF POTATOES AT HOUSTON, TEX.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Houston, Texas, October 3, 1944, by Michael Swanson Brady Produce Company, of car NRC 5714, potatoes, now on the Southern Pacific Lines, to Apfel & Brooks, San Antonio, Texas (Sou. Pac.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15534; Filed, Oct. 7, 1944; 10:59 a. m.]

[S. O. 70-A, Special Permit 560]

RECONSIGNMENT OF ONIONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A, of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois,

October 3, 1944, by Klein & Veneoso of car ART 15897, onions, now on the Alton Railroad, to Klein & Veneoso, New York, New York (Wab.-PRR).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15535; Filed, Oct. 7, 1944; 10:59 a. m.]

[S. O. 70-A, Special Permit 561]

RECONSIGNMENT OF WHITE ONIONS AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, October 4, 1944, by L. Yukon & Son of car PFE 92136, white onions, now on the Union Pacific Railroad, to Coffman & Brown Potato Company, Chicago, Illinois (Santa Fe).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15536; Filed, Oct. 7, 1944; 10:59 a. m.]

[S. O. 70-A, Special Permit 562]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, October 4, 1944, by Cochrane Brokerage Company, of car FGE 51730, potatoes, now on the Burlington Lines, to Milford Miller, Joplin, Missouri (Mo. Pac.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15537; Filed, Oct. 7, 1944; 10:59 a. m.]

[S. O. 200, 8th Amended Gen. Permit 13]

REICING OF POTATOES ORIGINATING IN DESIGNATED WESTERN STATES

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

On any refrigerator car loaded with potatoes originating at any point or points in the States of Colorado, Nebraska, Utah and Wyoming, to reice in transit one time only and to accord the reicing at stations designated by shippers or, at the carriers' option, at the first icing station on either side of such designated station.

This general permit shall apply to all such cars billed or moving on the effective date hereof.

This general permit shall become effective at 6:00 p. m., October 5, 1944, and shall expire at 11:59 p. m., October 30, 1944.

The waybills shall show reference to this general permit.

A copy of this general permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15538; Filed, Oct. 7, 1944; 10:59 a. m.]

[S. O. 200, Special Permit 174]

REICING OF POTATOES FROM IDAHO

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 200 insofar as it applies to the reicing in transit of PFE 41598, potatoes, shipped from Idaho October 1, 1944, routed UP-Kansas City-Mo. Pac., to be reiced at Kansas City (UP) and Texarkana (Mo. Pac.) destination Corpus Christi, Texas. Reicing requested by Michael Swanson Brady Produce Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15539 Filed, Oct. 7, 1944; 10:59 a. m.]

[S. O. 200, Special Permit 175]

REICING OF POTATOES FROM IDAHO

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 200 insofar as it applies to the reicing in transit of PFE 52247 potatoes, shipped from Idaho October 1, 1944, routed UP-Kansas City-Frisco-Memphis-Sou. Railway, to be reiced at Kansas City and Chattanooga—destination Charlotte, North Carolina. Reicing requested by Michael Swanson Brady Produce Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it

with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 4th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15540; Filed, Oct. 7, 1944; 10:59 a. m.]

[S. O. 70-A, Special Permit 563]

RECONSIGNMENT OF APPLES AT KANSAS CITY, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Kansas City, Missouri, October 5, 1944, by Brown Loe Brokerage Company, of car PFE 25283, apples, now on the Rock Island Lines, to C. H. Robinson Company, Des Moines, Iowa (R. I.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service

[F. R. Doc. 44-15596; Filed, Oct. 9, 1944; 10:49 a. m.]

[S. O. 70-A, Special Permit 564]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A, insofar as it applies to the reconsignment at Chicago, Illinois, October 5, 1944, by Bacon Brothers, of car URT 8986, potatoes, now on the Wood Street Terminal, to Kroger Grocery Company, Evansville, Indiana (C&EI).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15597; Filed, Oct. 9, 1944; 10:49 a. m.]

[S. O. 70-A, Special Permit 565]

RECONSIGNMENT OF POTATOES AT, CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, October 5, 1944, by Auster Company, of car MDT 4125, potatoes, now on the Wood Street Terminal, to Norman Vetter, Cincinnati, Ohio (Big 4).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15598; Filed, Oct. 9, 1944; 10:49 a. m.]

[S. O. 70-A, Special Permit 566]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, October 5, 1944, by Bacon Brothers, of car NP 90666, potatoes, now on the C&NW (Wood Street Terminal) to Independent Potato Exchange, Janesville, Wisconsin (IC Railroad).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15599; Filed, Oct. 9, 1944; 10:49 a. m.]

[S. O. 70-A, Special Permit 567]

RECONSIGNMENT OF ORANGES AT NORFOLK, VA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Norfolk, Virginia, October 5, 1944, by Associated Fruit Distributors of California, of car SFRD 32314, valencia oranges, now on the Virginian Railway, to Boston, Mass.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 5th day of October 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-15600; Filed, Oct. 9, 1944; 10:49 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4133]

CARL A. SONNEN

In re: United States Branch of Heineken & Vogelsang, d/b/a Carl A. Sonnen.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

(1) That the United States branch of Heineken & Vogelsang, doing business as Carl A. Sonnen, and located in Abilene, Texas, is engaged in the conduct of business in the United States and is a business enterprise within the United States;

(2) That Heineken & Vogelsang, whose principal place of business is located in

Bremen, Germany, is a national of a designated enemy country (Germany);

and determining:

(3) That the United States branch of Heineken & Vogelsang, doing business as Carl A. Sonnen, is controlled by and is acting for and on behalf of Heineken & Vogelsang, and is a national of a designated enemy country (Germany);

(4) That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all property of any nature whatsoever situated in the United States and owned or controlled by, payable or deliverable to or held on behalf of or on account of or owing to said Heineken & Vogelsang, Bremen, Germany, and/or its United States branch, doing business under the name of Carl A. Sonnen, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order, may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 14, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–15608; Filed, Oct. 9, 1944; 11:06 a. m.]

[Vesting Order 4162]

CARL HAHN

In re: Interests in real property, property insurance policies and bank account owned by Carl Hahn and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding:

1. That the following named persons, whose last known addresses appear opposite their respective names, are residents of Germany and are nationals of a designated enemy country (Germany);

Names and Last Known Addresses

Carl Hahn, Leichlingen, Rheinland, Germany.

Anna Hillmann, Bassum near Bremen, Germany.

Else Wilmanns, also known as Else Wilmans, Bad Godesberg am Rhein, Sibyllenstr. 37, Germany.

Margarethe Vischer, also known as Margarete Vischer, Stuttgart O. Gaenscheidestr. 123, Germany.

Helene Hahn, Stuttgart O. Gaenscheidestr. 123, Germany.

That Carl Hahn, Anna Millmann, Else Wilmanns, also known as Else Wilmans, Margarethe Vischer, also known as Margarete Vischer, and Helene Hahn are the owners of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. The undivided five-sixths interest in real property situated in Bergen County, New Jersey, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Carl Hahn, Anna Hillmann, Else Wilmanns, also known as Else Wilmans, Margarethe Vischer, also known as Margarete Vischer, and Helene Hahn in and to:

(1) Fire insurance policy No. 33–89379 issued by the American Equitable Assurance Company of New York, New York, New York.

(2) Public Liability Policy No. OLT 258560 issued by the Trinity Universal Insurance Company, San Antonio, Texas, and any and all extensions or renewals thereof,

(3) War Damage Insurance Policy No. 411–51–3269 issued by the War Damage Corporation through the American Equitable Assurance Company of New York, New York, New York, as fiduciary agent, and

c. That certain bank account with the First National Bank of Tuckahoe, Tuckahoe, New Jersey, which is due and owing to, and held for, Carl Hahn, Anna Hillmann, Else Wilmanns, also known as Else Wilmans, Margarethe Vischer, also known as Margarete Vischer, and Helene Hahn, in an account entitled "Rudolf Hahn, Attorney, Ocean City, New Jersey", and any and all security rights in and to any and all collateral for all or part of such account, and the right to enforce and collect the same,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

And determining that the property described in subparagraphs 3–b and 3–c hereof is necessary for the maintenance or safeguarding of other property (namely, that property described in subparagraph 3–a hereof) belonging to the same nationals of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive order;

And further determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraphs 3–b and 3–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest, and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on September 22, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All these certain lots, tracts or parcels of land situate, lying and being in the Borough of Bergenfield, County of Bergen, State of New Jersey, particularly described as:

Lots numbered 3 and 4 on a certain map entitled "Subdivision of Sioux Park at Bergenfield, Bergen County, New Jersey, prepared for the Bergenfield Home Building Association" filed in the Bergen County Clerk's Office on March 2, 1911 as Map No. 1314. All as laid down on said map.

[F. R. Doc. 44–15609; Filed, Oct. 9, 1944; 11:06 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Notice and Order of Termination 4]

LYMAN TRUCK LINES

POSSESSION, CONTROL AND OPERATION OF MOTOR CARRIERS

Pursuant to Executive Order 9462 (9 F.R. 10071), I hereby determine that possession and control of the motor carrier transportation system of Lyman Truck Lines by the United States is no longer necessary for the successful prosecution of the war, and it is hereby ordered, that:

1. *Termination of possession and control.* Possession and control by the United States of the motor carrier transportation system of E. W. Lyman, Opal Bowlin Lyman, Lucille Lyman Porter, and Mrs. Frances Ring, heirs at law, Ralph W. Porter, Trustee, doing business as Lyman Truck Lines, 319 No. 4th Street, Muskogee, Oklahoma, including all real and personal property and other assets of said motor carrier, taken and assumed pursuant to Executive Order 9462 and the notice and order of the Director of the Office of Defense Transportation issued August 11, 1944, is hereby terminated and relinquished as of 12:01 o'clock a. m., October 8,1944. No further action shall be required to effect the termination of Government control and relinquishment of possession hereby ordered.

2. *Communications.* Communications concerning this order should be addressed to the Office of Defense Transportation, Washington 25, D. C., and should refer to "Notice and Order of Termination No. 4".

Issued at Washington, D. C., this 7th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-15514; Filed, October 6, 1944; 4:08 p. m.]

[Supp. Order ODT 6A-48]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN NEW YORK AND POINTS IN NEW JERSEY

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 6A (8 F.R. 8757, 14582, 9 F.R. 2794), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination is necessary in order to conserve and providently utilize vital transportation equipment, materials and supplies; and to provide for the continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the persons named in Appendix 1 hereof are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or schedules, or supplements to filed tariffs or schedules, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or schedules, or supplements, to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 6A-48" and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington, D. C.

This order shall become effective October 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Shephard Warehouses, Inc., 667 Washington Street, New York, N. Y.

Donald Charles Kitchell and Charles R. Kitchell, doing business as Kitchell Express, 9 Academy Road, Morris Plains, N. J.

[F. R. Doc. 44-15515; Filed, Oct. 6, 1944; 4:08 p. m.]

[Supp. Order ODT 3, Rev. 355]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN ALBANY AND NEW YORK, N. Y.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of serv-

[1] Filed as part of the original document.

ice by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

John Vogel, Inc., 11 Pruyn Street, Albany, N. Y.
Albert Holmes, doing business as H. & H. Transportation Lines, Stottville, N. Y.

[F. R. Doc. 44-15516; Filed, Oct. 6, 1944; 4:09 p.m.]

[Supp. Order ODT 3, Rev. 356]

COMMON CARRIERS

COORDINATED OPERATIONS IN RHODE ISLAND

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 11, 1944, and shall remain in full force end effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as

[1] Filed as part of the original document.

the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Boston & Taunton Transportation Co., (a corporation), South Boston, Mass.
Charles Jackson, Jr., and Charles Jackson, Sr., copartners, doing business as Jackson & Sons Motor Express, Pawtucket, R. I.

[F. R. Doc. 44-15517; Filed, Oct. 6, 1944; 4:09 p. m.]

[Supp. Order ODT 3, Rev. 358]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN JACKSON, MISS., AND NEW ORLEANS, LA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appear in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Loyd Bond, doing business as Bond Motor Lines, Jackson, Miss.
J & NO Express, Inc., Jackson, Miss.

[F. R. Doc. 44-15518; Filed, Oct. 6, 1944; 4:09 p. m.]

[Supp. Order ODT 3, Rev. 359]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS IN GEORGIA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

[1] Filed as part of the original document.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

A. A. Bassett, doing business as A. A. Bassett Transfer Co., 713 South Greenwood Street, LaGrange, Ga.

Frank Ogletree, doing business as Ogletree Transfer, 110 Beeman Street, LaGrange, Ga.

[F. R. Doc. 44-15519; Filed, Oct. 6, 1944; 4:09 p. m.]

[Supp. Order ODT 3, Rev. 360]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN HOLDREGE AND M'COOK, NEBR.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs, or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 11, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 7th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Glen Swedell & LeRoy Barber, Copartners, doing business as Swedell & Barber, 505 Garfield Street, Holdrege, Nebraska.

James H. Logston, doing business as Logston Transfer, Oxford, Nebraska.

[F. R. Doc. 44-15520; Filed, Oct. 6, 1944; 4:10 p. m.]

[1] Filed as part of the original document.

[Supp. Order ODT 3, Rev. 361]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN TULSA AND OKMULGEE, OKLA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1[1] hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,[1] and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective October 13, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 9th day of October 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Frisco Transportation Co. (a corporation), Chase & Lyon Streets, Springfield, Mo.

L. D. Tindall, Earl Powers & W. H. Mayo, Copartners, doing business as O. C. & E. Motor Freight Line, Okemah, Okla.

[F. R. Doc. 44-15577; Filed, Oct. 7, 1944; 4:13 p. m.]

[1] Filed as part of the original document.

OFFICE OF PRICE ADMINISTRATION.

[Max. Import Price Reg., Order 50]

J. ZURCHER & CO., INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Orders Nos. 9250 and 9328, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which handkerchiefs imported from Switzerland by J. Zurcher & Co., Inc., 183 Madison Avenue, New York, New York, may be sold by or purchased from any wholesaler.

(b) *Maximum wholesale prices.* The maximum price at which any such handkerchief may be sold by or purchased from any wholesaler may not exceed the wholesalers net cost, (which may not be higher than the maximum price of J. Zurcher & Co., Inc. to a wholesaler) plus the following markups on such cost:

Wholesaler net cost:	*Markup (percent)*
Under $3.00 per dozen	33⅓
$3.00 to $7.50 per dozen	40
Over $7.50 per dozen	50

(c) *Wholesaler to notify retailers.* Every wholesaler making sales of such imported handkerchiefs to a retailer under this Order shall include on his invoice to the retailer the following:

The invoiced imported handkerchiefs are sold to you at prices established under the provisions of Order No. 50 issued under section 21 of the Maximum Import Price Regulation by the Office of Price Administration. Your own maximum prices must be determined under section 8 of the Maximum Import Price Regulation.

(d) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective on October 9, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 7th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15562; Filed, Oct. 7, 1944; 11:51 a. m.]

[MPR 120, Order 1060]

D & M COAL CO., ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 12. The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall

be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad locomotive fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.223 and all other provisions of Maximum Price Regulation No. 120.

D. & M. Coal Co., c/o L. R. Davis, Monroe, Iowa, Monroe Mine, First and Second Seam, Mine Index No. 659, Jasper County, Iowa, Rail Shipping Point, Monroe, Iowa, Strip Mine, Maximum Truck Price Group No. 20, Monroe Mine Origin Group (Mine Origin Group No. 54) for Rail Shipment

[Rail shipments pursuant to § 1340.223 (b) (1) of MPR 120, railroad locomotive fuel, all sizes—355]

	Size group Nos.										
	1	2	3	4	5	6	7	7A	8	9	10
Truck shipment [1]	440	430	420	410	380	400	400	430	270	330	200

[1] Previously established.

Lewis & Edwards Coal Co., 701 S. Market St., Oskaloosa, Iowa, Lewis & Edwards Mine, No. 1 Seam, Mine Index No. 1000, Mahaska County, Iowa, Deep Mine, Maximum Truck Price Group No. 23

Truck shipment	440	430	420	410	375	395	395	430	270	330	200

Newton Coal Co., Pella, Iowa, Mine No. 2 Mine, Mine Index No. 1001, Marion County, Iowa, Rail Shipping Point, Otley, Iowa, Strip Mine, Maximum Truck Price Group No. 20, Otley Mine Origin Group (Mine Origin Group No. 45) for Rail Shipment

[Rail shipments pursuant to § 1340.223 (b) (1) of MPR 120, railroad locomotive fuel, all sizes—355]

Truck shipment	440	430	420	410	380	400	400	430	270	330	200

This order shall become effective October 9, 1944.

(56 Stat. 23, 765, 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of October 1944.

Chester Bowles,
Administrator.

[F. R. Doc. 44–15563; Filed, Oct. 7, 1944; 11:51 a. m.]

[MPR 120, Order 1062]

R. B. Barnhart, et al.

Establishment of Maximum Prices and Price Classifications

For the reasons set forth in an accompanying opinion, and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

Producers identified herein operate named mines assigned the mine index numbers, the price classifications and the maximum prices in cents per net ton, for the indicated uses and shipments as set forth herein. All are in District No. 4.

The mine index numbers and the price classifications assigned are permanent but the maximum prices may be changed by an amendment issued after the effective date of this order. Where such an amendment is issued for the district in which the mines involved herein are located and where the amendment makes no particular reference to a mine or mines involved herein, the prices shall be the prices set forth in such amendment for the price classifications of the respective size groups. The location of each mine is given by county and state. The maximum prices stated to be for truck shipment are in cents per net ton f. o. b. the mine or preparation plant and when stated to be for rail shipment or for railroad fuel are in cents per net ton f. o. b. rail shipping point. In cases where mines ship coals by river the prices for such shipments are those established for rail shipment and are in cents per net ton f. o. b. river shipping point. However, producer is subject to the provisions of § 1340.215 and all other provisions of Maximum Price Regulation No. 120.

R. B. Barnhart, c/o Stewart Hotel, 228 Third Street, Uhrichsville, Ohio, R. B. Barnhart Mine, No. 7 Seam, Mine Index No. 4039, Tuscarawas County, Ohio, Subdistrict 4, Strip Mine, Price Classification: Middle Freight Origin District, Railroad Fuel Price Group No. 113, Rail Shipping Point, Dennison, Ohio

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11	12
Rail shipments and railroad fuel	330	325	300	295	290	280	250	240	280	235	------	280
Truck shipment	360	350	335	320	320	280	255	245	------	------	------	------

S. T. Hollingshead, R. F. D. No. 3, Wellston, Ohio, W. & M. Mine, No. 7 Seam, Mine Index No. 4069, Vinton County, Ohio, Subdistrict 7, Deep Mine, Price Classification: Jackson Freight Origin District, Railroad Fuel Price Group No. 101, Rail Shipping Point, Wellston, Ohio

Rail shipments and railroad fuel	350	345	305	305	305	275	255	245	275	------	------	275
Truck shipment	380	370	360	335	330	265	240	230	------	------	------	------

Mason & Sons Coal Co., Route No. 1, Dover, Ohio, Mason No. 3 Mine, No. 6 Seam, Mine Index No. 4073 Coshocton County, Ohio, Subdistrict 4, Deep Mine

	Size group Nos.							
	1	2	3	4	5	6	7	8
Truck shipment	365	355	345	320	315	265	230	220

New Lexington Coal & Mining Co., Box 22, New Lexington, Ohio, Green Township Mine, No. 6 Seam Mine Index No. 4076, Hocking County, Ohio, Sub-District 5, Strip Mine, Price Classification: Hocking Freight Origin District, Railroad Fuel Price Group No. 104, Rail Shipping Point, Greendale Ohio

	Size group Nos.											
	1	2	3	4	5	6	7	8	9	10	11	12
Rail shipments and railroad fuel	350	345	305	305	305	275	255	245	275	245	------	275
Truck Shipment	365	355	345	320	315	265	230	220	------	------	------	------

Sidwell Brothers, Deaverstown, Ohio, Salt Lick Township Mine, No. 6 Seam, Mine Index No. 4078, Perry County, Ohio, Sub-District 5, Strip Mine, Price Classification: Hocking Freight Origin District, Railroad Fuel Price Group No. 102, Rail Shipping Point, Shawnee, Ohio

Rail shipments and railroad fuel	350	345	305	305	305	275	255	245	275	245	------	275
Truck Shipment	365	355	345	320	315	265	230	220	------	------	------	------

C. P. Smithberger, P. O. Box 167, Woodsfield, Ohio, Smithberger Mine, No. 8 Seam, Mine Index No. 4074 Noble County, Ohio, Sub-District 2, Strip Mine

	Size group Nos.							
	1	2	3	4	5	6	7	8
Truck shipment	355	345	330	305	305	290	265	255

This order shall become effective October 9, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of October 1944.

Chester Bowles,
Administrator.

[F. R. Doc. 44–15565; Filed, Oct. 7, 1944; 11:51 a. m.]

[MPR 120, Order 1061]

INDEPENDENT COAL CO.

ESTABLISHMENT OF MAXIMUM PRICES AND PRICE CLASSIFICATIONS

For the reasons given in the opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Coals produced by the Independent Coal Company at its No. 2 Mine, Mine Index No. 573, located in LeFlore County, Oklahoma, Production Group No. 7, District No. 14, for the uses indicated and by methods of transportation appearing herein, may be sold and purchased at per net ton prices in cents not exceeding the following:

Size groups	4
Price classification	J
Rail shipment	530
Truck shipment	530

(b) The maximum prices established herein are f. o. b. mine for truck shipment and f. o. b. the rail shipping point for rail shipment.

(c) This order may be revoked or amended at any time.

(d) All prayers of the applicant not granted herein are hereby denied.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein.

This order shall become effective October 9, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15564; Filed, Oct. 7, 1944; 11:52 a. m.]

[MPR 188, Order 2163]

TABLE ART FURNITURE MFG. CO.

APPROVAL OF MAXIMUM PRICES

Correction

In paragraph (a) (1) (i) of F. R. Doc. 44-12770, appearing at page 10370 of the issue for Friday, August 25, 1944, the sixth line should read: "the articles from the manufacturer's".

[Max. Import Price Reg., Order 49]

HELBROS WATCH CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, it is ordered:

(a) *Effect of this order.* This order establishes maximum prices at which certain imported watches described below may be sold to retailers and ultimate consumers. These watches are imported by the Helbros Watch Co., 6 West 48th Street, New York, New York, hereinafter called the "importer".

(b) *Maximum prices for sales to retailers and ultimate consumers.* The maximum prices for sales by any person to retailers and to ultimate consumers of the Helbros watches described below are as follows:

Series	Size	Jewels	Case	Attachment	Maximum prices to retailers	Maximum prices to ultimate consumers including the Federal excise tax
42060	11½L	7	Steel back	Strap	$8.95	$19.75
4500	11½L	7	Steel back	Strap	9.80	22.50
71000	8¾L	7	Steel back	Strap	10.45	24.75
41000	11½L	17	Steel back	Strap	11.75	27.50
46000	11½L	17	Steel back	Strap	12.95	29.75
51000	10½L					
46002	11¼L	17	Rolled gold plate	Strap	13.95	33.75
51002	11½L					
46000X	11¼L	17	Steel back	Expansion bracelet	17.45	39.75
51000X	10½L					
72000	8¾L	17	Steel back	Strap	13.80	33.75
75000	8 x 9					
72002	8¾L	17J	Rolled gold plate	Strap	14.80	37.50
75002	8 x 9					
72002	8¾L	17J	Gold filled	Strap	17.80	45.00
75002	8 x 9					
72000X	8¾L	17J	Steel back	Expansion	18.30	45.00
75000X	8 x 9					
72002X	8¾L	17J	Rolled gold plate	Expansion	19.30	47.50
75002X	8 x 9					
72002X	8¾L	17J	Gold filled	Expansion	22.30	57.50
75002X	8 x 9					
51802X	10½L					
62588-SS (aux. winding).	8¾L	17J	Steel	Strap	22.75	57.50
65088	8 x 9		Steel	Strap		42.50
65188	8 x 9		Steel	Strap		57.50
65288	8 x 9		Steel	Strap		57.50
61000	8¾L	7	Steel	C. c. cord	9.35	19.75
61002	8¾L	7	RGP	C. c. cord	10.10	22.50
71000LC	8¾L	7	Steel back	C. c. cord	9.85	19.75
71002LC	8¾L	7	RGP	C. c. cord	10.60	22.50
86000C	6 x 8	7	Steel back	C. c. cord	9.90	22.50
86000B	6 x 8	7	Stee back	Bracelet	10.40	24.75
72000LC	8¾	17	Steel back	Cord	11.60	24.75
72000LB	8¾L	17	Steel back	Bracelet	12.95	27.50
85000	6 x 8	17	Steel back	Bracelet	13.75	33.75
85002	6 x 8	17	RGP	Bracelet	14.55	37.50
85002	6 x 8	17	Gold filled	Bracelet	15.75	42.50
85004	6 x 8	17	14K gold	Cord	16.55	45.00
85004	6 x 8	17	14K gold (high crystal).	Cord	17.75	47.50
93962	5	17	Gold filled	Cord	16.95	42.50
90004	5	17	14K gold	Cord	18.95	49.75
93964	5	17	14K gold	Cord	23.95	57.50
53228	10½-11¼L	17	Steel	Strap	15.75	39.75
52088	10½-11¼L	17	Steel	Strap	18.95	45.00
52488	10½-11¼L	17	Steel	Strap	21.90	49.75
52588	10½-11¼L	17	Steel	Strap	24.95	57.50
52588A	10½-11¼L	17	Steel	Strap	24.95	57.50
46804	11¼	17	14K gold	Strap	36.75	87.50
46834	11¼	17	14K gold	Strap	42.15	100.00
46284	11¼	17	14K gold	Strap	55.18	125.00
90724	5	17	14K gold	Cord	28.50	69.75

(c) *Reduction of prices.* Whenever the total landed costs to the importer of the watches covered by this order decrease by 5% or more, the importer must, within ten days, notify the Durable Goods Price Branch, Office of Price Administration, Washington, D. C., of the extent of the reduction in cost and the Price Administrator may then establish new maximum prices for sales of these watches.

(d) *Importer to notify retailers.* The importer shall furnish a copy of this order to each retailer to whom any of the watches described above are sold and shall also include on every invoice covering a sale of these watches the following statement:

Order No. 49 issued under the Maximum Import Price Regulation by Office of Price Administration establishes the maximum prices at which you may sell these watches.

(e) *Tagging.* The importer shall include with every watch covered by this order delivered to a retailer after its effective date, a tag or label setting forth the series number of the particular watch. This tag or label must not be removed until the watch is sold to an ultimate consumer.

(f) This Order No. 49 may be revoked or amended by the Price Administrator at any time.

(g) Unless the context otherwise requires the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

This Order No. 49 shall become effective October 7, 1944.

Issued this 6th day of October.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15470; Filed, Oct. 6, 1944; 11:36 a. m.]

[MPR 188, Order 2525]

PIANOS

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator, the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) Manufacturers of pianos may increase their maximum prices on all sales to all classes of purchasers except on sales at retail as follows:

(1) Subtract the Federal excise tax from the maximum price.

(2) To this figure add 13% thereof.

(3) The result is the new maximum price, less Federal excise tax. To this result there may be added the amount of the Federal excise tax payable on the new price.

(b) In computing maximum prices for new or changed models, the maximum prices of the old or comparable models shall be figured at their maximum prices as increased by this order.

(c) Any seller who believes that his maximum prices, as increased by this order, do not equal his total costs in October 1941 adjusted for increases in straight time factory wage rates and direct and indirect material prices, may apply for an adjustment of his maximum prices. The Administrator will grant an adjustment to any such seller if he finds that the seller's total costs, when adjusted in accordance with the method of adjusting total costs employed by the Administrator in determining the extent of the increase granted to the industry, are higher than the seller's maximum price established under this order. The adjustment in the seller's maximum price will be granted in an amount sufficient to cover the seller's total costs as thus adjusted by the Administrator.

(d) This order may be revoked or amended at any time.

This Order No. 2525 shall become effective on the 7th day of October 1944.

Issued this 7th day of October 1944.

JAMES G. ROGERS, Jr.,
Acting Administrator.

For the reasons set forth in the accompanying opinion and by virtue of the authority vested in me by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, I find that the issuance of this order is necessary to aid in the effective prosecution of the war.

FRED M. VINSON,
Economic Stabilization Director.

[F. R. Doc. 44-15584; Filed, Oct. 7, 1944; 4:58 p m.]

[MPR 188, Order 36 Under 2d Rev. Order A-3]

O. C. S. OLSON CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, it is ordered:

(a) *Manufacturer's maximum prices.* O. C. S. Olson Company, 2527 Moffat Street, Chicago, Illinois, may sell and deliver the wood office furniture of its manufacture at prices no higher than its maximum prices for such sales in effect prior to the effective date of this order, plus 2 percent of each such maximum price. This adjustment applies to every item for which a maximum price was established under Maximum Price Regulation No. 188 prior to the effective date of this order, and may be made and collected only if separately stated. The adjusted prices are subject to the manufacturer's customary discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(b) *Maximum prices of purchasers for resale.* Any purchaser for resale, who handles the wood office furniture for which the manufacturer's maximum prices have been adjusted as provided in paragraph (a) in the course of their distribution from the manufacturer to the user, may add to his properly established maximum prices, in effect immediately prior to the effective date of this order, the dollar-and-cents amount of the adjustment charge which he is required to pay the manufacturer, provided such amount is separately stated. Such adjusted prices are subject to the seller's customary discounts, allowances, and other price differentials in effect during March 1942 on sales to each class of purchaser.

(c) *Notification.* At the time of or prior to the first invoice to each purchaser for resale or user of an article covered by this order, at an adjusted price permitted by this order, the seller must furnish the purchaser with a written notice giving the number of this order and fully explaining its terms and conditions.

(d) *Profit and loss statements.* After the effective date of this order, O. C. S. Olson Company shall submit to the Office of Price Administration a detailed quarterly profit and loss statement within thirty days after the close of each quarter.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 10, 1944.

Issued this 9th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-15635; Filed, Oct. 9, 1944; 11:39 a. m.]

[MPR 188, Order 2513]

AUTO-BYE CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a baby bath manufactured by Auto-Bye Company, 1151 South Broadway, Los Angeles, California.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the article from the manufacturer's stock, the maximum prices are those set forth below:

Article	Model No.	Maximum price to persons, other than retailers, who resell from manufacturer's stock	Maximum price to retailers
Baby bath	Tuk-a-Bye.	*Each* $4.16	*Each* $4.90

These prices are f. o. b. factory and are subject to a cash discount for payment within ten days, not thirty days, and for the article described in the manufacturer's application dated March 13, 1944.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be prices specified in subdivision (1) (i) of this paragraph (a) the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum price is that set forth below, f. o. b. factory:

Article	Model No.	Maximum price to retailers
Baby Bath	Tuk-a-Bye	*Each* $4.90

This price is subject to a cash discount of two percent for payment within ten days, net thirty days, and is for the article described in the manufacturer's application dated March 13, 1944.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale,

the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 10th day of October 1944.

Issued this 9th day of October 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–15636; Filed, Oct. 9, 1944; 11:40 a. m.]

Regional and District Office Orders.

[Region IV Order G–12 Under SR 15]

FLUID MILK IN PASCAGOULA AND MOSS POINT, MISS., AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator, Region IV of the Office of Price Administration by § 1499.75 (a) (9) (ii) of the General Maximum Price Regulation, it is hereby ordered:

(a) *Adjustment of maximum prices for approved fluid milk in paper containers sold and delivered in the Pascagoula and Moss Point, Mississippi, trading area.* (1) On and after September 28, 1944 the maximum prices for approved fluid milk in paper containers of one quart or less sold and delivered by any "interhandlers" to any person f. o. b. Pascagoula, Mississippi shall be:

	Cents
Quarts	15
Pints	8½
Half pints	4½

(2) On and after September 28, 1944 the maximum prices for approved fluid milk in paper containers of one quart or less sold and delivered at wholesale and retail within the Pascagoula-Moss Point, Mississippi, trading area shall be:

	Quarts	Pints	Half-pints
	Cents	*Cents*	*Cents*
Wholesale	16	9	5
Retail out-of-store	17	10	--------
Retail home delivered	17	10	--------

(3) *Retail sales of approved fluid milk by hotels, restaurants, soda fountains, cafes, bars and other eating establishments for consumption on the premises or as part of a meal for consumption off the premises.* The seller's maximum price for sales at retail of approved fluid milk for consumption on the premises or as part of a meal for consumption off the premises shall be determined under Restaurant Maximum Price Regulation 2.

(b) *Definitions.* (1) The term, "interhandler" as used herein refers to any person in Minnesota who sells approved fluid milk in paper containers of one quart or less to persons other than stores, hotels, restaurants and institutions in Pascagoula, Mississippi.

(2) The term, "sale at wholesale" as used herein refers to a sale by any person of fluid milk in paper containers of one quart or less which is purchased from an interhandler as herein defined and resold to any person other than an ultimate consumer for resale as fluid milk.

(3) The Pascagoula-Moss Point trading area as used above refers to that territory within Jackson County, Mississippi, including the cities of Pascagoula and Moss Point, which is within the customary trading area tributary to the two named cities.

(c) *Applicability of the General Maximum Price Regulation and other supplementary regulations and orders of the Office of Price Administration.* Except as otherwise provided herein, all transactions subject to this order remain subject to all the provisions of the General Maximum Price Regulation, together with all amendments, supplementary regulations and orders which have heretofore or may hereafter be issued. Specifically, but not by way of limitation, unless the context of this order otherwise requires, the provisions of § 1499.73a (a) (1) (viii) (b), (c), (d), (e), (f) and (g) and § 1499.73a (a) (1) (xi) (Supplementary Regulation 14A to the General Maximum Price Regulation as amended) shall be applicable and are made a part of this order. Unless the context otherwise requires, all terms used herein shall be construed in accordance with the provisions of § 1499.20 of the General Maximum Price Regulation, as amended.

(d) This order may be revoked, amended or corrected at any time.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued: September 28, 1944.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 44–15493; Filed, Oct. 6, 1944; 1:32 p. m.]

[Springfield Order G–1 Under MPR 426 and MPR 285]

FRESH FRUITS AND VEGETABLES IN SPRINGFIELD, ILL., DISTRICT

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, Executive Orders 9250 and 9328, and under the authority vested in the District Director of the Springfield District Office of the Office of Price Administration, by §1439.3–15 Appendix H (f), Appendix I (g), Appendix J (l) and Appendix K (r) of Maximum Price Regulation No. 426, and § 1351.1254a (a) of Maximum Price Regulation No. 285 this order is issued:

(a) *What this order does.* This order fixes the limits of the free delivery zones at all wholesale receiving points located within the Springfield District. It also establishes differentials for non-delivered sales in the free delivery zones and for delivered sales beyond the free delivery zones. The order applies to such fresh fruit and vegetable items as are now or may hereafter be subject to the pricing provisions of Maximum Price Regulation No. 285 and Appendices H, I, J and K of Maximum Price Regulation 426. The only sellers who are subject to this order are those wholesalers whose ceiling prices are determined under Maximum Price Regulation No. 285, and secondary jobbers and service wholesalers, within the meanings of those terms as defined and used in Appendices H, I, J and K of Maximum Price Regulation No. 426.

(b) *Establishment of delivery zones.* The delivery zone established for each wholesaler, secondary jobber, and service wholesaler, covered by this order, shall be as follows:

(1) The free delivery zone shall be the area included within the corporate limits of the following listed municipalities in which any such seller's place of business is located, or the area within a radius of 5 miles from the place of business of such seller, whichever shall be the greater distance from the seller's place of business:

Alton.	Harrisburg.
Belleville.	Jacksonville.
Cairo.	Lincoln.
Carbondale.	Metropolis.
Centralia.	Mt. Vernon.
Champaign.	Olney.
Danville.	Quincy.
Decatur.	Robinson.
East St. Louis.	Springfield.

All in the State of Illinois.

(2) The free delivery zone shall be the area included within the city, town or village limits of any city, town or village within the jurisdiction of the Springfield District Office of the Office of Price Administration, other than those specifically set forth in subparagraph 1 of this section, or the area within a radius of 5 miles from the place of business of such seller, whichever shall be the greater distance from the seller's place of business.

(3) The zone in which any seller may make charges for delivery is the area outside his free delivery zone, as above established.

(c) *Differentials for non-delivered and delivered sales of items listed in Appendices H, I, J and K of Maximum Price Regulation No. 426*—(1) *Non-delivered sales.* For sales on a non-delivered basis every seller shall deduct from his maximum for delivered sales in the free delivery zone, 5¢ per container for a standard shipping container weighing under 50 pounds per gross weight, and 10¢ per container for standard shipping containers weighing 50 pounds or over gross weight. A deduction of 2¢ or 5¢, respectively, shall be made for non-delivered sales of half standard shipping containers or more, or for bulk sales weigh-

ing as much or more than a half standard container of the item being sold. No deductions need be made for sales in less than half containers or for bulk sales which weigh less than half a standard container of the item being sold.

(2) *Delivered sales in the free delivery zones.* For delivered sales in the free delivery zone the maximum delivered price shall be the appropriate maximum delivered prices established under Maximum Price Regulation No. 426 for the type of sale being made without any deduction from or addition thereto.

(3) *Delivered sales beyond the free delivery zone.* For delivered sales beyond the free delivery zone the amount set out below may be added to the maximum price for delivered sales within the free delivery zone. Mileage beyond the free delivery zone shall be computed via the shortest publicly traveled route, reasonably suitable for travel.

All containers and in bulk	25 miles or less beyond free delivery zone	For each additional 10 miles beyond 25 miles from free delivery zone
Gross weight.....	20¢ per cwt. but not less than 10¢ per stop.	5¢ per cwt.

Provided, however, That in no event may the seller charge more than 50¢ per cwt. for any delivery beyond the free delivery zone regardless of distance.

(d) *Differentials for non-delivered and delivered sales of items under Maximum Price Regulation No. 285*—(1) *Non-delivered sales and delivered sales in the free delivery zone.* For non-delivered sales and for delivered sales in the free delivery zone the maximum price shall be the maximum delivered price computed under Maximum Price Regulation No. 285 for the type of sale being made. Discounts and price differentials, including any differential or discount for sales f. o. b. seller or non-delivered sales, must be maintained.

(2) *Delivered sales beyond the free delivery zone.* For delivered sales beyond the free delivery zone, the amount set out below may be added to the price for delivered sales within the free delivery zone. Deliveries beyond the free delivery zone shall be computed via the shortest publicly traveled route, reasonably suitable for travel. Delivery charges shall be computed for the net weight of bananas delivered.

	25 miles or less beyond the free delivery zone	Beyond 25 miles from free delivery zone
Net weight.....	20¢ per cwt.....	5¢ for each additional 10 miles.

Provided, however, That in no event may a delivery charge of more than 35¢ per cwt. be made.

(e) *Definitions.* Delivered means delivery to the physical premises of a retail store, hotel, restaurant, or institution. Unless the context otherwise requires, the terms used herein shall have the same meaning as given them in Maximum Price Regulation 285 and Maximum Price Regulation 426.

(f) This order may be revoked, revised, amended, or corrected at any time.

(g) *Effective date.* This order shall become effective on October 1, 1944.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 26th day of September 1944.

CARTER JENKINS,
District Director.

Approved:

E. O. POLLOCK,
Regional Director of Distribution, War Food Administration.

[F. R. Doc. 44-15494; Filed, Oct. 6, 1944; 1:32 p. m.]

[Escanaba Order 1 Under Restaurant MPR 2]

POSTING REQUIREMENTS IN ESCANABA, MICH., DISTRICT

Correction

In F. R. Doc. 44-12617, appearing on page 10283 of the issue for Wednesday, August 23, 1944, section 1 (c) should read as follows:

(c) If you do not offer as many as 40 items, place on the poster all the items which you do offer and your ceiling price for each.

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register on October 5, 1944.

REGION I

Boston Order G-2, Amendment 4, covering community food prices in designated New England areas, filed 10:51 a. m.

REGION II

District of Columbia Order 2-F, Amendment 3, covering fresh fruit and vegetables in designated area, filed 10:55 a. m.

Philadelphia Order 22, covering eggs at retail in designated counties in Pennsylvania, filed 10:50 a. m.

Philadelphia Order 23, covering eggs at retail in designated counties in Pennsylvania, filed 10:50 a. m.

Philadelphia Order 24, covering eggs at retail in Berks and Chester Counties in Pennsylvania, filed 10:50 a. m.

Philadelphia Order 25, covering eggs at retail in Berks and Chester Counties in Pennsylvania, filed 10:50 a. m.

REGION III

Charleston Order 3-F, Amendment 40, covering fresh fruit and vegetables in designated counties in West Virginia, filed 10:39 a. m.

Charleston Order 7-F, Amendment 26, covering fresh fruit and vegetables in designated areas in West Virginia, filed 10:39 a. m.

Charleston Order 8-F, Amendment 26, covering fresh fruit and vegetables in designated counties in West Virginia, filed 10:39 a. m.

Charleston Order 9-F, Amendment 25, covering fresh fruit and vegetables in Cabell County and City of Huntington, West Virginia, filed 10:39 a. m.

Charleston Order 12-F, Amendment 15, covering fresh fruit and vegetables in designated counties in West Virginia, filed 10:38 a. m.

Charleston Order 13-F, Amendment 10, covering fresh fruit and vegetables in designated counties in West Virginia, filed 10:38 a. m.

Columbus Order 3-F, Amendment 42, covering fresh fruit and vegetables in Columbus and Franklin Counties, Ohio, filed 10:38 a. m.

Lexington Order 2-F, Amendment 43, covering fresh fruit and vegetables in Campbell and Kenton Counties, Kentucky, filed 10:57 a. m.

REGION IV

Charlotte Order 2-F, Amendment 12, covering fresh fruit and vegetables in designated counties in North Carolina, filed 10:40 a. m.

Jackson Order 2-F, Amendment 30, covering fresh fruit and vegetables in designated counties in Mississippi, filed 10:46 a. m.

Jacksonville Order 3-F, Amendment 18, covering fresh fruit and vegetables in Tampa, Fla., filed 10:41 a. m.

Jacksonville Order 6-F, Amendment 21, covering fresh fruit and vegetables in Jacksonville, Fla., filed 10:41 a. m.

Jacksonville Order 7-F, Amendment 21, covering fresh fruit and vegetables in designated areas in Florida, filed 10:46 a. m.

Nashville Order 5-F, Amendment 32, covering fresh fruit and vegetables in designated counties in Virginia, filed 10:39 a. m.

Nashville Order 5-F, Amendment 33, covering fresh fruit and vegetables in designated counties in Virginia, filed 10:40 a. m.

Savannah Order 1-F, Amendment 54, covering fresh fruit and vegetables in Chatham, Bryan, Effingham and Liberty, filed 10:34 a. m.

Savannah Order 2-F, Amendment 49, covering fresh fruit and vegetables in designated counties in Georgia, filed 10:34 a. m.

Savannah Order 3-F, Amendment 47, covering fresh fruit and vegetables in designated counties in Georgia, filed 10:33 a. m.

Savannah Order 4-F, Amendment 45, covering fresh fruit and vegetables in designated counties in Georgia, filed 10:33 a. m.

Savannah Order 5-F, Amendment 27, covering fresh fruit and vegetables in designated counties in Georgia, filed 10:32 a. m.

REGION V

Houston Order 1-F, Amendment 26, covering fresh fruit and vegetables in designated areas in Texas, filed 10:47 a. m.

Houston Order 3-F, Amendment 14, covering fresh fruit and vegetables in designated areas in Texas, filed 10:47 a. m.

Shreveport Order 3-W, Amendment 1, covering community food prices in certain parishes in Louisiana, filed 10:52 a. m.

St. Louis Order G-20, Amendment 7, covering community food prices in certain parishes in Louisiana, filed 10:55 a. m.

Wichita Order 4-F, Amendment 13, covering fresh fruit and vegetables in the Wichita district, filed 10:46 a. m.

REGION VI

Des Moines Order 3, Amendment 6, covering community food prices in the Des Moines Area, filed 10:57 a. m.

Des Moines Order 5, Amendment 6, covering community food prices in the Waterloo area, filed 10:57 a. m.

Des Moines Order 6, Amendment 6, covering community food prices in the Ottuma area, filed 10:56 a. m.

Des Moines Order 7, Amendment 6, covering community food prices in the Mason City area, filed 10:56 a. m.

Des Moines Order 8, Amendment 6, covering community food prices in the Fort Dodge area, filed 10:56 a. m.

Des Moines Order 9, Amendment 6, covering community food prices in the Creston area, filed 10:56 a. m.

Omaha Order 3–W, Amendment 3, covering community food prices in Omaha, Nebr., and Council Bluffs, Iowa, filed 10:48 a. m.

Omaha Order 8–F, Amendment 13, covering fresh fruit and vegetables in Lincoln, Nebr., filed 10:48 a. m.

Omaha Order 15, Amendment 5, covering community food prices in Douglas County, Nebr., Sarpy County, Nebr., and Council Bluffs, Iowa, filed 10:48 a. m.

Omaha Order 17, Amendment 3, covering community food prices in certain counties in Nebraska, filed 10:48 a. m.

Omaha Order 19, Amendment 3, covering community food prices in certain counties in Nebraska, filed 10:48 a. m.

Sioux City Order 3–F, Amendment 10, covering fresh fruit and vegetables in certain areas in Iowa, South Dakota and Nebraska, filed 10:32 a. m.

Sioux City Order 4–F, Amendment 10, covering fresh fruit and vegetables in certain counties in Nebraska, filed 10:32 a. m.

REGION VII

New Mexico Order F–1, Amendment 25, covering fresh fruit and vegetables in Albuquerque and Gallup, filed 10:31 a. m.

Wyoming Order 34, Amendment 2, covering community food prices in Buffalo, Gillette and Sheridan County area, filed 10:52 a. m.

Wyoming Order 35, Amendment 2, covering community food prices in the Casper area, filed 10:53 a. m.

Wyoming Order 36, Amendment 2, covering community food prices in the Cheyenne area, filed 10:53 a. m.

Wyoming Order 37, Amendment 2, covering community food prices in the Cody, Lovell, Powell area, filed 10:53 a. m.

Wyoming Order 38, Amendment 2, covering community food prices in the Douglas area, filed 10:53 a. m.

Wyoming Order 39, Amendment 2, covering community food prices in the Greybull area, filed 10:54 a. m.

Wyoming Order 40, Amendment 2, covering community food prices in the named area in Wyoming, filed 10:54 a. m.

Wyoming Order 41, Amendment 2, covering community food prices in the Laramie area, filed 10:54 a. m.

Wyoming Order 42, Amendment 2, covering community food prices in the Rock Springs area, filed 10:54 a. m.

Wyoming Order 43, Amendment 2, covering community food prices in the Sheridan area, filed 10:55 a. m.

REGION VIII

Fresno Order 1–W, Amendment 1, covering community food prices of dry groceries in the Fresno district, filed 10:52 a. m.

Phoenix Order 9–W (Adopting), Amendment 2, covering community food prices in the Gila Valley area, filed 10:47 a. m.

Portland Order 3–F, Amendment 1, covering fresh fruit and vegetables in the Portland district, filed 10:36 a. m.

Sacramento Order 1–F, Amendment 16, covering fresh fruit and vegetables in the Sacramento-Stockton area, filed 10:37 a. m.

Sacramento Order 6–F, Amendment 14, covering fresh fruit and vegetables in the Sacramento District Central County area, filed 10:37 a. m.

Sacramento Order 7–F, Amendment 14, covering fresh fruit and vegetables in the Sacramento district northern county area, filed 10:36 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 44–15554; Filed, Oct. 7, 1944; 11:48 a. m.]

[Region VI Order G–88 Under SR 15, MPR 280, MPR 329]

FLUID MILK IN FREDERIC, WIS.

Correction

The effective date of F. R. Doc. 44–12625, appearing at page 10289 of the issue for Wednesday, August 23, 1944, should read: "August 1, 1944."

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–954]

CENTRAL VERMONT PUBLIC SERVICE CORP.

SUPPLEMENTAL ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of October 1944.

On August 19, 1944 Central Vermont Public Service Corporation ("Central Vermont"), a public utility subsidiary of New England Public Service Company, a registered holding company, filed an application-declaration, in which it proposed, among other things, to issue and sell, with an exchange offer, 37,856 shares of preferred stock, $100 par value, to refinance an equal number of presently outstanding shares of preferred stock, no par value, $6 dividend series. Thereafter, the company filed an amendment wherein it proposed that the issuance and sale (including the exchange feature) be submitted to competitive bidding. On September 22, 1944, we issued our Findings and Opinion and Order (Holding Company Act Release No. 5304), in connection with said transactions, permitting the declaration with respect to the solicitation material to become effective forthwith, and granting the application-declaration with respect to all other matters, subject to certain terms and conditions.

Central Vermont has now filed an amendment to said application-declaration, designated as Amendment No. 5, which changes the transactions originally proposed with respect to the public invitation for competitive bids and with respect to the estimated amount of legal fees.

The applicant-declarant formerly proposed that the invitation for bids state, among other things, that each bidder specify the amount of compensation to be paid to the bidders for their respective agreements, which amount could be stated as a fixed sum or as contingent upon the number of exchanges under the exchange offer or on any other basis; and in the event the amount of compensation was stated other than as a fixed sum, the basis upon which such amount was to be computed be set forth. If any proposal were accepted, that proposal would be accepted, subject to necessary regulatory approvals, which, in the judgment of the board of directors of the company, would be most likely to result in the lowest cost to the company.

The amended application-declaration states that Central Vermont will publish an invitation for bids on October 6, 1944 and will open such bids on October 16, 1944. The company now proposes that the invitation for bids state that each bidder specify, in addition to other requirements, the aggregate amount of compensation to be paid to the bidders, under the exchange and purchase agreement, to effect exchanges of the new preferred stock for the $6 preferred stock and to purchase the unexchanged shares. The exchange period will be from October 16, 1944 to October 30, 1944.

The invitation for bids will further provide that unless the company shall reject all proposals, it will accept as the best bid that which provides the lowest cost of money to the company. The best bid will be determined by dividing (a) the annual dividend requirements on the 37,856 shares of new preferred stock at the dividend rate specified in said proposal by (b) the product of the price per share specified in said proposal to be paid to the company for the unexchanged shares multiplied by 37,856, after deducting from such product the aggregate amount of compensation specified in said proposal to be paid to the bidders.

The company will also reserve the right to disqualify and reject the proposal of any bidder or group of bidders (a) if the company, in the opinion of its counsel, may not lawfully sell the new preferred stock to such bidder or to one or more members of such group, or (b) if the company is not satisfied with the financial responsibility of such bidder or of one or more members of such group.

The application - declaration, as amended, now estimates, among other legal fees, $10,000 to Messrs. Ropes, Gray, Best, Coolidge & Rugg, counsel for the issuer, in lieu of the $5,000 previously estimated and approved by us. Inasmuch as the record does not now contain sufficient data to enable us, at this time, to pass upon the reasonableness of such additional legal fees estimated at $5,000, we shall reserve jurisdiction with respect to their payment.

It is therefore ordered, That said application-declaration, as amended, be and hereby is granted and permitted to become effective, subject to the terms and conditions set forth in Rule U-24 and subject also to the two additional conditions to the Commission's order herein of September 22, 1944.

It is further ordered, That jurisdiction be and the same is hereby reserved to the Commission to pass upon the additional legal fees estimated at $5,000 to Ropes, Gray, Best, Coolidge & Rugg.

By the Commission (Commissioners Healy, Pike, and McConnaughey), Chairman Purcell and Commissioner O'Brien being absent and not participating.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44–15521; Filed, Oct. 6, 1944; 4:54 p. m.]

[File Nos. 52–21, 52–24, 34–7, 52–23]

MIDLAND UNITED CO., ET AL.

ORDER APPROVING MODIFIED PLAN

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pa., on the 5th day of October, A. D. 1944.

In the matter of Hugh M. Morris, trustee of the estate of Midland United Company and Clarence A. Southerland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, file Nos. 52–21, 52–24; Midland Utilities Company, file Nos. 34–7, 52–23.

On September 27, 1944, pursuant to Section 11 (f) of the Public Utility Holding Company Act of 1935, the Commission issued its order in these consolidated proceedings approving, for submission to the District Court of the United States for the District of Delaware, a Plan dated October 15, 1943, for the reorganization of Midland United Company and Midland Utilities Company: *Provided*, That there be incorporated in said Plan, as submitted to the Court, certain modifications specified in the Commission's preliminary findings and opinion issued with said order of September 27, 1944.

On October 4, 1944, the trustees of the estates of said companies filed with the Commission a modified Plan of Reorganization dated September 30, 1944.

The Commission is satisfied that the modified Plan dated September 30, 1944, meets the conditions of its order of September 27, 1944, and accordingly orders that said Plan may be submitted to the United States District Court for the District of Delaware.

The Commission reserves jurisdiction to enter such further orders as may be necessary or appropriate to give effect to the stipulations of Midland United Company, Midland Utilities Company, their respective trustees, and The Middle West Corporation, contained in the Plan and the record of the proceedings herein; and otherwise to dispose fully of the issues in these consolidated proceedings and to effectuate the provisions of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–15522; Filed, Oct. 6, 1944; 4:54 p. m.]

[File No. 811–482]

TRANS-OCEANIC AIR LINES, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 5th day of October, A. D., 1944.

An application having been filed by Trans-Oceanic Air Lines, Incorporated pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said act;

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on October 12, 1944 at 10:00 o'clock a. m., eastern war time, in Room 318, Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Henry C. Lank, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–15572; Filed, Oct. 7, 1944; 3:24 p. m.]

[File Nos. 54–59; 59–27]

INTERNATIONAL UTILITIES CORP., AND DOMINION GAS AND ELECTRIC CO.

ORDER RELEASING JURISDICTION

In the matters of International Utilities Corporation, Dominion Gas and Electric Company, File No. 54–59; International Utilities Corporation, File No. 59–27.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 5th day of October, A. D. 1944.

The Commission by its order entered in these proceedings on April 13, 1944 (Holding Company Act Release No. 4992), having approved a plan which provides for the merger of Dominion Gas and Electric Company into International Utilities Corporation and the recapitalization of the resulting company, and the Commission having reserved jurisdiction, among others, to approve or disapprove the amounts at which the 4,255 shares of $3 Preferred Stock of General Water Gas & Electric Company, 100,000 shares of Common Stock of Lehigh Coal and Navigation Company, and certain miscellaneous investments, all to be owned by the resulting company, are to be recorded on the books of the resulting company; and

Supplemental data as to the proposed carrying values and accounting entries having been filed by the resulting company; and

The Commission having considered the matter and it appearing to the Commission that the jurisdiction reserved as to the proposed carrying values and accounting entries should be released;

It is hereby ordered, That the jurisdiction reserved as to proposed carrying values and accounting entries in the order of April 13, 1944, in the above matter be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–15571; Filed, Oct. 7, 1944; 3:24 p. m.]

[File No. 59–37]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

ORDER EXTENDING DATE FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of October, A. D. 1944.

The Commission having instituted a proceeding pursuant to sections 11 (b) (2) and 15 (f) of the Public Utility Holding Company Act of 1935 raising issues, among others, as to whether it is necessary or appropriate in the public interest or for the protection of investors and consumers to require that Central Illinois Public Service Company revise and simplify its capital structure and take other steps so as fairly and equitably to redistribute voting power among its security holders, and to require that it restate its plant and investment, surplus, capital and other accounts so as to segregate, dispose of and eliminate writeups and intangibles in its accounts, set up adequate reserves, and make other adjustments; and

Hearings having been held in such proceedings and having been continued subject to call of the trial examiner; and

The Commission having ordered that the reconvened hearing in this matter previously set for July 20, 1944, and later extended by subsequent orders to September 12, 1944 and October 16, 1944 respectively; and

Counsel for Central Illinois Public Service Company having requested that the date for such reconvened hearing be further extended; and

The Commission finding that it is appropriate in the public interest and in the interests of investors and consumers to extend the date for such hearing to November 15, 1944;

It is ordered, That the reconvened hearing in this matter previously set for October 16, 1944, be held on November 15, 1944, at 10 o'clock in the forenoon at the Commission's offices, 18th and Locust Streets, Philadelphia 3, Pa.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44–15590; Filed, Oct. 9, 1944; 9:32 a. m.]

[File No. 811–212]

HEREFORD CORP.

NOTICE OF AN ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 7th day of October, A. D., 1944.

An application having been filed by Beacon Participations, Inc., now known as Hereford Corporation, pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of said act;

It is ordered, Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application be held on October 16, 1944, at 2:00 p. m., eastern war time, in

Room 318 of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's rules of practice.

Notice of such hearing is hereby given to the applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-15591; Filed, Oct. 9, 1944; 9:33 a. m.]

[File No. 70-969]

ASSOCIATED GAS AND ELECTRIC CORP., ET AL.

NOTICE OF FILING OF AMENDMENTS AND ORDER FOR HEARING

In the matter of Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, NY PA NJ Utilities Company, Metropolitan Edison Company, Staten Island Edison Corporation; File No. 70-969.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of October, 1944.

Notice is hereby given that, pursuant to the provisions of the Public Utility Holding Company Act of 1935, amendments have been filed to the joint applications-declarations previously filed with this Commission by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation ("Agecorp"), a registered holding company, NY PA NJ Utilities Company ("NY PA NJ"), a subsidiary of Agecorp and a registered holding company, Metropolitan Edison Company ("Met. Ed.") and Staten Island Edison Corporation ("Staten Island"), subsidiaries of NY PA NJ. All interested persons are referred to said applications-declarations and the amendments thereto which are on file in the offices of the Commission for a statement of the transactions therein proposed which may be summarized as follows:

I. NY PA NJ will borrow $10,000,000 from Guaranty Trust Company of New York on unsecured 2% three-year promissory notes which will require payments thereon prior to maturity as follows:

6 months after date of issuance	$1,500,000
12 months after date of issuance	1,500,000
18 months after date of issuance	1,625,000
24 months after date of issuance	1,625,000
30 months after date of issuance	1,875,000
36 months after date of issuance	1,875,000

The promissory notes and the accompanying loan agreement will provide, among other things, that all obligations of NY PA NJ to Agecorp shall be subordinated as to principal and interest to the proposed $10,000,000 principal amount of promissory notes.

2. Subject to obtaining an appropriate order from the District Court of the United States for the Southern District of New York, Agecorp will donate to NY PA NJ for cancellation the following securities, when, as and if said securities will have been acquired by Agecorp pursuant to authorization requested in a certain declaration filed with this Commission (File No. 70-940), and pursuant to appropriate authorization of the said court:

$584,000 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981 (assumed by NY PA NJ).

$1,281,000 principal amount of NY PA NJ Utilities Company 5% Debentures due 1952.

3. From the proceeds of the loan of $10,000,000, NY PA NJ will pay Met. Ed. $9,049,900 in cash. In addition, NY PA NJ will transfer to Met. Ed., for cancellation, 5,097 shares of Met. Ed.'s $5 no par value Cumulative Preferred Stock, 81,220 shares of its $6 no par value Cumulative Preferred Stock, and 9,412 shares of its $7 no par value Cumulative Preferred Stock.

4. The remainder of the $10,000,000 together with treasury funds and approximately $4,000,000 in cash which NY PA NJ anticipates it will receive as a donation from Agecorp, pursuant to authorization requested in a certain declaration filed by Agecorp with this Commission (File No. 70-940), will be used by NY PA NJ to repay its present indebtedness to Guaranty Trust Company of New York, amounting to $4,000,000, and to redeem its following indebtedness:

Security	Principal amount	Owned by	Redemption price
Mohawk Valley 6's 1981	$520,000	Staten Island Edison Corporation.	$525,200
Mohawk Valley 6's 1981	33,400	Associated Electric Co.	33,734
NY PA NJ Utilities Co. 5's of 1952	232,500	York Railways Co.	234,825
Total			793,759

5. In consideration of the cash payment and the transfer to it of shares of its Cumulative Preferred Stock, as described in paragraph 3 above, Met. Ed. will transfer to NY PA NJ $15,778,500 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981 and will transfer to Staten Island, without cost to Staten Island, 100,000 shares of the outstanding 360,000 shares of no par value non-voting common stock of Staten Island, the remaining 260,000 shares being held by NY PA NJ. Staten Island will hold such 100,000 shares in its treasury or make such disposition thereof as may be permitted in accordance with law. If said 100,000 shares of the no par value non-voting common stock of Staten Island are reclassified, Met. Ed. will transfer the reclassified shares.

6. Met. Ed. will thereupon issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $24,500,000 principal amount of First Mortgage Bonds, due 1974, and 125,000 shares of $100 par value Cumulative Preferred Stock, the interest rate and dividend rate, respectively, to be fixed by competitive bidding.

7. Met. Ed. will call for redemption certain outstanding securities as follows:

Security	Principal amount or shares to be redeemed	Redemption price	Aggregate redemption price	To be redeemed not later than
Metropolitan Edison Co.:				
First 4½'s, series D, due 1968	$20,330,500	107½%	$21,855,288	Mar. 1, 1945.
First 4's, series E, due 1971	4,684,000	103½%	4,847,940	[1]
First 4's, series G, due 1965	11,710,900	105%	12,296,445	[1]
$7 prior preferred stock, cumulative, no par	5,734 shares	$105	602,070	Jan. 1, 1945.
$6 prior preferred stock, cumulative, no par	91,802 shares	$105	9,639,210	Jan. 1, 1945.
$7 cumulative preferred stock, no par	2,106 shares	$110	231,660	Jan. 1, 1945.
$6 cumulative preferred stock, no par	14,666 shares	$110	1,613,260	Jan. 1, 1945.
$5 cumulative preferred stock, no par	589 shares	$110	64,790	Jan. 1, 1945.
			$51,150,663	

[1] 40 days after issuance and sale of the new bonds and new stock.

The redemption of said securities, together with the cancellation of the securities which it will receive from NY PA NJ, as described in paragraph 3 above, will result in the retirement of all the presently outstanding bonds and preferred stocks of Met. Ed., except $1,247,500 principal amount of the non-callable 5% Gold Bonds, due 1951, of York Haven Water & Power Company (a constituent company of Met. Ed.).

8. Met. Ed. will reduce the stated value of its no par value common stock and effect an accounting reorganization, as of October 31, 1944, so as to enable it, among other things, (a) to provide a reserve for estimated amounts in excess of its corporate cost of utility plant not already provided for, (b) to eliminate unamortized debt discount and expense on bonds previously refunded, (c) write off premiums on preferred stock to be called, and (d) charge off, or create a reserve for, the loss to be realized on the anticipated sale of its gas properties.

Applicants-declarants have designated sections 6 (a), 6 (b), 7, 12 (c), 12 (d) and

12 (f) of the act and Rules U-42, U-43, U-45, and U-50 as applicable to the proposed transactions, and state that no Federal commission other than this Commission has jurisdiction over the proposed transactions and that the Pennsylvania Public Utility Commission, but no other state commission, has jurisdiction over certain of the transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters:

It is ordered, That a hearing on such matters under the applicable provisions of said act and the rules of the Commission thereunder be held before the same trial examiner, and at the same time and place, as heretofore designated, on the 17th day of October, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in said proceeding should file with the Secretary of the Commission, on or before October 16, 1944, his application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That, without limiting the scope of the issues presented by said filing, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the proposed issue and sale by NY PA NJ Utilities Company of its unsecured note comply with applicable requirements of section 7 of the act.

2. Whether the donation by Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, to NY PA NJ Utilities Company, of the debt securities of NY PA NJ Utilities Company, and the subordination of their holdings of obligations of NY PA NJ Utilities Company to the principal and interest of the note to Guaranty Trust Company of New York comply with the applicable provisions of the act and the rules thereunder.

3. Whether the various considerations to be paid and received, in connection with the proposed transactions, by the applicants-declarants are reasonable.

4. Whether the transfer to Staten Island Edison Corporation of shares of its outstanding common stock complies with the applicable provisions of the act and rules thereunder.

5. Whether the proposed issue and sale by Metropolitan Edison Company of First Mortgage Bonds and Cumulative Preferred Stock are solely for the purpose of financing its business, and whether it is appropriate in the public interest or for the protection of investors or consumers to impose any terms or conditions in connection therewith.

6. Whether the proposed reduction in the stated value of the outstanding no par value common stock and the proposed accounting reorganization of Metropolitan Edison Company will result in an unfair or inequitable distribution of voting power among its security holders or is otherwise detrimental to the public interest or the interest of investors or consumers.

7. The propriety of the proposed accounting treatment of the several transactions on the books of the respective applicants-declarants.

8. Whether the fees, commissions, and other expenses to be incurred are for necessary services and reasonable in amount.

9. Generally, whether the proposed transactions comply with all applicable provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, and, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the statutory standards.

It is further ordered, That notice of the filing of the amendment be given to applicants-declarants and to all other interested persons; said notice to be given to applicants-declarants, the New York Public Service Commission, and Pennsylvania Public Utility Commission, by registered mail, and to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-15594; Filed, Oct. 9, 1944; 9:33 a. m.]

[File Nos. 1-2579; 1-2557; 1-2470; 1-2593; 1-2505; 1-2519; 1-2421; 1-2336; 1-2509; 1-2363; 1-3091]

UNITED STEEL WORKS CORP., ET AL.

ORDER GRANTING APPLICATIONS TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of October, A. D. 1944.

In the matter of United Steel Works Corporation, 6½% Mortgage Sinking Fund Gold Bonds, Series A, due 1951; 6½% Mortgage Sinking Fund Gold Bonds, Series C, due 1951; 6½% Sinking Fund Debentures, Series A, due 1947; Rheinelbe-Union 7% 20-Year Mortgage Sinking Fund Gold Bonds, due 1946, File No. 1-2579; Rhine-Ruhr Water Service Union, 6% 25-Year External Sinking Fund Gold Debentures, due 1953, File No. 1-2577; Ruhr Chemical Corporation 6% Mortgage Sinking Fund Bonds, Series A, due 1948, File No. 1-2470; Berlin Power and Light Company, Inc., Berlin City Electric Company, Inc., 6½% 25-Year Sinking Fund Debentures, due 1951; 6% 25-Year Debentures, due 1955; 6½% 30-Year Sinking Fund Debentures, due 1959, File No. 1-2593; Central Bank of German State and Provincial Banks, Inc., Consolidated Agricultural Loan of German Provincial & Communal Banks 6½% Secured Sinking Fund Gold Bonds, Series A, due 1958, File No. 1-2505; Rhine-Westphalia Electric Power Corporation 7% Direct Mortgage Gold Bonds, due 1950, File No. 1-2519; Italian Public Utility Credit Institute 7% External Secured Sinking Fund Gold Bonds, due 1952, File No. 1-2421; Hungarian Land Mortgage Institute, National Land Mortgage Institute 7½% Land Mortgage Sinking Fund Gold Bonds, Series A, due 1961; 7½% Land Mortgage Sinking Fund Gold Bonds, Series B, due 1961, File No. 1-2336; Siemens & Halske A. G. & Siemens Schuckertwerke Company, Ltd. 6½% 25-Year Sinking Fund Gold Debentures, Unstamped, due 1951, File No. 1-2509; Tokyo Electric Light Company, Ltd., Shinyetsu Electric Power Company, Ltd. 6½% First Mortgage Sinking Fund Bonds, due 1952, File No. 1-2363; Japan Electric Generation & Transmission Company, Ltd., Great Consolidated Electric Power Company, Ltd. 7% First Mortgage Sinking Fund Gold Bonds, Series A, Guaranteed, due 1944; 6½% First General Mortgage Sinking Fund Gold Bonds, Guaranteed, due 1950, File No. 1-3091.

The Boston Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the above-mentioned securities;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said applications together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said applications be and the same are hereby granted, effective at the close of the trading session on October 16, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-15593; Filed, Oct. 9, 1944; 9:32 a. m.]

[File No. 1-2914]

CHICAGO & SOUTHERN AIR LINES, INC.

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of October, A. D. 1944.

The Chicago & Southern Air Lines, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, No Par Value, from listing and registration on the St. Louis Stock Exchange;

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on October 17, 1944.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 44-15592; Filed, Oct. 9, 1944; 9:34 a. m.]

WAR MANPOWER COMMISSION.

CONCORD, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Concord, New Hampshire, Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the Concord Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities;

(b) The reduction of unnecessary labor migration;

(c) The direction of the flow of scarce labor where most needed in the war program;

(d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

(a) The "Concord Area" is comprised of the territory designated in Appendix A.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Concord Area to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such Area, or

(2) An occupation in which the demand for workers in such Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director.

(g) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439)

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Concord Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring, or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The Area Management-Labor War Manpower Committee for the Concord Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Concord Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. *General.* A new employee who, during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity, or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. *Issuance of statements of availability by United States Employment Service.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in Section VII is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the em-

ployer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(d) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

> The employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

SEC. 9. *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 10. *Workers who may be hired only upon referral by the United States Employment Service.* Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided,* That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided further,* That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 11. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired:

(a) In violation of this program, or

(b) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

SEC. 12. *Exclusions.* No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period;

(g) The transfer of workers between agencies and departments of the Federal Government.

SEC. 13. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. *Statements of availability.* A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 15. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 16. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. *Representation.* Nothing contained in the program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. *General referral policies.* No provision in the program shall limit the

authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. *Effective date.* This program shall become effective as of October 1, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

APPENDIX A

The Concord Area is comprised of the territories included in the following towns and which are served by the Concord local office of the United States Employment Service:

Allenstown, Andover, Antrim, Barnstead, Boscawen, Bow, Bradford, Canterbury, Chichester, Concord, Danbury, Deerfield, Deering, Dunbarton, Epsom, Henniker, Hillsboro, Hopkinton, Loudon, Northwood, Pembroke, Pittsfield, Salisbury, Warner, Washington, Webster, and Windsor.

APPENDIX B

The following have been designated by the Area Manpower Director for the Concord Area, with the approval of the Regional Director, as additional controlled occupations:

Textile workers:
(a) Weavers.*
(b) Spinners.
(c) Carders.
(d) Doffers.

[F. R. Doc. 44-15496; Filed, Oct. 6, 1944; 2:55 p. m.]

[Amdt. 1]

CONCORD, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for Concord, New Hampshire, Area, dated October 1, 1943, is hereby amended as follows:

1. Section 2 (f) of said program is hereby amended by inserting after the word "Area" in the second line, the words, "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" in the last paragraph of said section, so that the same shall read as follows:

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Concord Area with the approval of the Regional Director to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such Area, or

(2) An occupation in which the demand for workers in such Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the following words starting in the first line: ", all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Concord Area,".

3. Section 8 is hereby amended by deleting subparagraph (c) in its entirety and making subparagraph (d) of said section, subparagraph (c), and adding the following sentence after the word "employment" at the end of the first paragraph of said subparagraph: "Nothing in this section shall be construed to supersede the provisions of section 10 (d)."

4. Section 9 is hereby amended by changing the title from "Referral in case of under-utilization" to "Referral by the United States Employment Service" and adding the following as the second paragraph thereof:

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

5. Section 10 is hereby amended by deleting the words in subparagraph (c) enclosed in parenthesis, so that said subparagraph shall read as follows:

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

6. Section 11 is hereby amended by striking out the comma after the word "hired" in the third line and inserting the phrase "in violation of this program" and by striking out subparagraphs (a) and (b) of said section so that the same shall read as follows:

SEC. 11. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

7. Section 12 is hereby amended by striking out subparagraph (g) in its entirety.

8. Appendix B, is hereby amended by inserting after the words "Concord Area" in the third line the phrase "with the approval of the Regional Director."

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15497; Filed, Oct. 6, 1944; 2:57 p. m.]

[Amdt. 2]

CONCORD, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for Concord, New Hampshire, Area, dated October 1, 1943, is hereby amended as follows:

1. Section 10 of said program is hereby amended by adding the following new subparagraph:

(e) The new employee is a male worker.

2. Section 16 of said program is hereby amended by inserting the following new paragraph as the second paragraph of said section, thereby making the present second paragraph, the third paragraph thereof:

The Area Manpower Director may fix for all or any establishments in the Concord Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establisment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15498; Filed, Oct. 6, 1944; 2:57 p. m.

[Amdt. 3]

CONCORD, N. H.

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for Concord, New Hampshire, Area dated October 1, 1943, is hereby amended as follows:

Section 18 is hereby amended by inserting the designation (a) at the beginning of the section as previously adopted and by adding the following paragraph:

(b) The Area Manpower Director, after consultation with the Area Management-Labor War Manpower Committee to determine the degree necessary, may adopt certain standards of priority referral of workers to be followed by the United States Employment Service Offices located within the area. Such standards shall be consistent with the policies of the War Manpower Commission and a copy of such standards as are currently in force shall be maintained available for public inspection at each

area and local employment office within the area.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15499; Filed, Oct. 6, 1944; 2:58 p. m.]

KEENE, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Keene, New Hampshire, Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the Keene Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities;

(b) The reduction of unnecessary labor migration;

(c) The direction of the flow of scarce labor where most needed in the war program;

(d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

(a) The "Keene Area" is comprised of that territory designated in Appendix A.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska and Hawaii and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this difinition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Keene Area to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such Area, or

(2) An occupation in which the demand for workers in such Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director.

(g) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (9 F.R. 3439)

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Keene Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The Area Management-Labor War Manpower Committee for the Keene Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Keene Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions, and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity, or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. *Issuance of statements of availability by United States Employment Service.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request

the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(d) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

> The employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

SEC. 9. *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 10. *Workers who may be hired only upon referral by the United States Employment Service.* Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation or his statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided,* That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided further,* That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 11. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired:

(a) In violation of this program, or

(b) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

SEC. 12. *Exclusions.* No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period;

(g) The transfer of workers between agencies and departments of the Federal Government.

SEC. 13. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. *Statements of availability.* A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 15. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purposes of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 16. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. *Representation.* Nothing contained in the program shall be construed to restrict any individual from seeking

the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. *Effective date.* This program shall become effective as of October 1, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

APPENDIX A

The Keene Area is comprised of the territories included in the following towns and which are served by the Keene local office of the United States Employment Service.

Alstead, Bennington, Chesterfield, Dublin, Fitzwilliam, Francestown, Gilsum, Greenfield, Hancock, Harrisville, Hinsdale, Jaffrey, Keene, Marlboro, Marlow, Nelson, Peterboro, Richmond, Rindge, Roxbury, Sharon, Stoddard, Sullivan, Surry, Swanzey, Temple, Troy, Walpole, Westmoreland, and Winchester.

APPENDIX B—ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Keene Area as additional controlled occupations:

Turret lathe operator, engine lathe operator, machinist II, mucker IV, tannery labor and packers, spinners, mule; spinners, frame; and weavers, automatic.

[F. R. Doc. 44-15500; Filed, Oct. 6, 1944; 2:58 p. m.]

[Amdt. 1]

KEENE, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for Keene, New Hampshire, Area, dated October 1, 1943, is hereby amended as follows:

1. Section 2 (f) of said program is hereby amended by inserting after the word "Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" in the last paragraph of said section, so that the same shall read as follows:

(f) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the Keene Area with the approval of the Regional Director to be either

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in the Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the following words starting in the first line: ", all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Keene Area,".

3. Section 8 is hereby amended by deleting subpargaraph (c) in its entirety and making subparagraph (d) of said section, subparagraph (c), and adding the following sentence after the word "employment" at the end of the first paragraph of said subparagraph: "Nothing in this section shall be construed to supersede the provisions of section 10 (d)."

4. Section 9 is hereby amended by changing the title from "Referral in Case of Under-Utilization" to "Referral by the United States Employment Service" and adding the following as the second paragraph thereof:

The United States Employment Service shall, upon the request of an individual refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

5. Section 10 is hereby amended by deleting the words in subparagraph (c) enclosed in parentheses, so that said subparagraph shall read as follows:

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

6. Section 11 is hereby amended by striking out the comma after the word "hired" in the third line and inserting the phrase "in violation of this program" and by striking out subparagraphs (a) and (b) of said section so that the same shall read as follows:

SEC. 11. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

7. Section 12 is hereby amended by striking out subparagraph (g) in its entirety.

8. Appendix B is hereby amended by inserting after the word "Area" in the third line the phrase "with the approval of the Regional Director,".

Dated September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15501; Filed, Oct. 6, 1944; 2:58 p. m.]

[Amdt. 2]

KEENE, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for Keene, New Hampshire, Area, dated October 1, 1943, is hereby amended as follows:

1. Section 10 of said program is hereby amended by adding the following new subparagraph:

(e) The new employee is a male worker.

2. Section 16 of said program is hereby amended by inserting the following new paragraph as the second paragraph of said section, thereby making the present second paragraph, the third paragraph thereof:

The Area Manpower Director may fix for all or any establishments in the Keene Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15502; Filed, Oct. 6, 1944; 2:59 p. m.]

[Amdt. 3]

KEENE, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for Keene, New Hampshire, Area, dated October 1, 1943, is hereby amended as follows:

Section 18 is hereby amended by inserting the designation (a) at the beginning of the section as previously adopted and by adding the following paragraph:

(b) The Area Manpower Director, after consultation with the Area Management-Labor War Manpower Committee to determine the degree necessary, may adopt certain standards of priority referral of workers to be followed by the United States Employment Service Offices located within the area. Such standards shall be consistent with the policies of the War Manpower Commission and a copy of such standards as are currently in force shall be maintained

available for public inspection at each area and local employment office within the area.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15503; Filed, Oct. 6, 1944; 2:59 p. m.]

LACONIA, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Laconia, New Hampshire, Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Program," effective August 16, 1943 (8 F.R. 11338).

Sec.

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the Laconia Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities.

(b) The reduction of unnecessary labor migration.

(c) The direction of the flow of scarce labor where most needed in the war program.

(d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

(a) The "Laconia Area" is comprised of the territory designated in Appendix A.

(b) "Agriculture" means those farm activities carried on by farm owners, or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the chairman of the War Manpower Commission.

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Laconia Area to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in such area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director.

(g) "Essential activity" means any activity included in the War Manpower Commission list of essential activities. (9 F.R. 3439)

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Laconia Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The Area Management-Labor War Manpower Committee for the Laconia Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Laconia Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity, or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission or is hired with its consent, as provided herein.

SEC. 7. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. *Issuance of statements of availability by United States Employment Service.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission upon finding that the individual is entitled thereto, shall issue a statement of availability to the

individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment. When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization program, regulation or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his noncompliance after such finding. An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(d) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker, for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form the words:

> The employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

SEC. 9. *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 10. *Workers who may be hired only upon referrel by the United States Employment Service.* Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided,* That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided further,* That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 11. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired

(a) In violation of this program, or

(b) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

SEC. 12. *Exclusions.* No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's last employment for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period;

(g) The transfer of workers between agencies and departments of the Federal Government.

SEC. 13. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. *Statements of availability.* A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 15. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 16. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. *Representation.* Nothing contained in the program shall be construed to restrict any individual from seeking the advice of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. *Effective date.* This program shall become effective as of October 1, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

APPENDIX A

The Laconia Area is comprised of the territories included in the following towns and which are served by the Laconia local office of the United States Employment Service.

Alexandria, Alton, Ashland, Belmont, Bridgewater, Bristol, Campton, Ctr. Harbor, Franklin, Gilford, Gilmanton, Groton, Hebron, Hill, Holderness, Laconia, Meredith, Moultonboro, New Hampton, Northfield, Plymouth, Rumney, Sanbornton, Sandwich, Tilton, Tuftonboro, and Wolfeboro.

APPENDIX B

ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Laconia Area as additional controlled occupations:

Transfer knitters.
Loopers III.
Knitting machine fixer.
Spinners, mule.
Spinners, frame.
Automobile mechanics.
Fallers (lumber).

[F. R. Doc. 44-15504; Filed, Oct. 6, 1944; 2:59 p. m.]

[Amdt. 1]

LACONIA, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Laconia, New Hampshire, Area, dated October 1, 1943, is hereby amended as follows:

1. Section 2 (f) of said program is hereby amended by inserting after the word "Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" in the last paragraph of said section, so that the same shall read as follows:

(f) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the Laconia Area with the approval of the Regional Director to be either

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in the Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the following words starting in the first line ", all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Laconia Area,".

3. Section 8 is hereby amended by deleting subparagraph (c) in its entirety and making subparagraph (d) of said section, subparagraph (c), and adding the following sentence after the word "employment" at the end of the first paragraph of said subparagraph:

Nothing in this section shall be construed to supersede the provisions of section 10 (d).

4. Section 9 is hereby amended by changing the title from "Referral in case of under-utilization" to "Referral by the United States Employment Service" and adding the following as the second paragraph thereof:

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

5. Section 10 is hereby amended by deleting the words in subparagraph (c) enclosed in parentheses, so that said subparagraph shall read as follows:

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

6. Section 11 is hereby amended by striking out the semi-colon after the word "hired" in the second line and inserting the phrase "in violation of this program" after the word "hired" and by striking out subparagraphs (a) and (b) of said section so that the same shall read as follows:

SEC. 11. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

7. Section 12 is hereby amended by striking out subparagraph (g) in its entirety.

8. Appendix B is hereby amended by inserting after the word "Area" in the third line the phrase "with the approval of the Regional Director."

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director,

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F R. Doc. 44-15505; Filed, Oct. 6, 1944; 3:00 p. m.]

[Amdt. 2]

LACONIA, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for Laconia, New Hampshire, Area, dated October 1, 1943, is hereby amended as follows:

1. Section 10 of said program is hereby amended by adding the following new subparagraph:

(e) The new employee is a male worker.

2. Section 16 of said program is hereby amended by inserting the following new paragraph as the second paragraph of said section, thereby making the present second paragraph, the third paragraph thereof:

The Area Manpower Director may fix for all or any establishments in the Laconia Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowances currently applicable to it.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15506; Filed, Oct. 6, 1944; 3:00 p. m.]

[Amdt. 3]

LACONIA, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for Laconia, New Hampshire, Area,

dated October 1, 1943, is hereby amended as follows:

Section 18 is hereby amended by inserting the paragraph designation (a) at the beginning of the section as previously adopted and by adding the following paragraph:

(b) The Area Manpower Director, after consultation with the Area Management Labor War Manpower Committee to determine the degree necessary, may adopt certain standards of priority referral of workers to be followed by the United States Employment Service Offices located within the area. Such standards shall be consistent with the policies of the War Manpower Commission and a copy of such standards as are currently in force shall be maintained available for public inspection at each area and local employment office within the area.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15507; Filed, Oct. 6, 1944; 8:00 p. m.]

NASHUA, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Nashua, New Hampshire Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.
1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. Encouragement of local initiative and use of existing hiring channels.
6. General.
7. Issuance of statements of availability by employers.
8. Issuance of statements of availability by United States Employment Service.
9. Referral in case of under-utilization.
10. Workers who may be hired only upon referral by the United States Employment Service.
11. Hiring contrary to the program.
12. Exclusions.
13. Appeals.
14. Statements of availability.
15. Solicitation of workers.
16. Hiring.
17. Representation.
18. General referral policies.
19. Effective date.

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the Nashua Area with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war;

(a) The elimination of wasteful labor turnover in essential activities,

(b) The reduction of unnecessary labor migration,

(c) The director of the flow of scarce labor where most needed in the war program,

(d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

(a) The "Nashua Area" is comprised of the territory designated in Appendix A.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the 30-day preceding period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the chairman of the War Manpower Commission.

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Nashua Area to be either

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in such area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director.

(g) "Essential activity" means any activity included in the War Manpower Commission list of essential activities. (9 F.R. 3439)

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Nashua Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The Area Management-Labor War Manpower Committee for the Nashua Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Nashua Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity, or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments

thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. *Issuance of statements of availability by United States Employment Service.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment. When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization program, regulation or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(d) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

> The employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

SEC. 9. *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 10. *Workers who may be hired only upon referral by the United States Employment Service.* Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation or his statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided,* That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided further,* That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 11. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired,

(a) In violation of this program, or

(b) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made

SEC. 12. *Exclusions.* No provisions of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period;

(g) The transfer of workers between agencies and departments of the Federal Government.

SEC. 13. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. *Statements of availability.* A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or or his representative upon request.

SEC. 15. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under

this employment stabilization program, except in a manner consistent with such restriction.

SEC. 16. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. *Representation.* Nothing contained in the program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. *Effective date.* This program shall become effective as of October 1, 1943, and is in substitution for and supersedes the employment stabilization program in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

APPENDIX A

The Nashua Area is comprised of the territories included in the following towns and which are served by the Nashua local office of the United States Employment Service:

Amherst, Brookline, Greenville, Hollis, Hudson, Litchfield, Lyndeboro, Mason, Merrimack, Milford, Mount Vernon, Nashua, New Ipswich, Pelham, Salem, Wilton, and Windham.

APPENDIX B

ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Nashua Area as additional controlled occupations.

Spinners.	Pressman, heel.
Auto mechanic.	Oil burner repairman.
Stationary fireman.	Fallers, lumber.
Weavers.	Cut-off saw operator.

[F. R. Doc. 44-15508; Filed, Oct. 6, 1944; 3:00 p. m.]

[Amdt. 1]

NASHUA, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Nashua, New Hampshire, Area, dated October 1, 1943, is hereby amended as follows:

1. Section 2 (f) of said program, is hereby amended by inserting after the word "Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" in the last paragraph of said section, so that the same shall read as follows:

(f) *Additional controlled occupation* means an occupation found by the Area Manpower Director for the Nashua Area with the approval of the Regional Director to be either

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in the Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the following words starting in the first line: ", all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Nashua Area,".

3. Section 8 is hereby amended by deleting subparagraph (c) in its entirety and making subparagraph (d) of said section, subparagraph (c), and adding the following sentence after the word "employment" at the end of the first paragraph of said subparagraph: "Nothing in this section shall be construed to supersede the provisions of section 10 (d)."

4. Section 9 is hereby amended by changing the title from "Referral in Case of Under-Utilization" to "Referral by the United States Employment Service" and adding the following as the second paragraph thereof:

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

5. Section 10 is hereby amended by deleting the words in subparagraph (c) enclosed in parentheses, so that said subparagraph shall read as follows:

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

6. Section 11 is hereby amended by striking out the comma after the word "hired" in the third line and inserting the phrase "in violation of this program" and by striking out subparagraphs (a) and (b) of said section so that the same shall read as follows:

SEC. 11. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

7. Section 12 is hereby amended by striking out subparagraph (g) in its entirety.

8. Appendix B is hereby amended by inserting after the word "Area" in the third line the phrase "with the approval of the Regional Director,".

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15509; Filed, Oct. 6, 1944; 3:01 p. m.]

[Amdt. 2]

NASHUA, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Nashua, New Hampshire Area, dated October 1, 1943 is hereby amended as follows:

1. Section 10 of said program is hereby amended by adding the following new subparagraph:

(e) The new employee is a male worker.

2. Section 16 of said program is hereby amended by inserting the following new paragraph as the second paragraph of said section, thereby making the present second paragraph, the third paragraph thereof:

The Area Manpower Director may fix for all or any establishments in the Nashua Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15510; Filed, Oct. 6, 1944; 3:01 p. m.]

[Amdt. 3]

NASHUA, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for Nashua, New Hampshire Area, dated October 1, 1943 is hereby amended as follows:

Section 18 is hereby amended by inserting the paragraph designation (a) at the beginning of the section as previously adopted and by adding the following paragraph:

(b) The Area Manpower Director, after consultation with the Area Management-Labor War Manpower Committee to determine the degree necessary, may adopt certain standards of priority referral of workers to be followed by the United States Employment Service Offices located within the area. Such standards shall be consistent with the policies of the War Manpower Commission and a copy of such standards as are currently in force shall be maintained available for public inspection at each area and local employment office within the area.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15511; Filed, Oct. 6, 1944; 3:01 p. m.]

CLAREMONT, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for Claremont, New Hampshire, Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the Claremont Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

(a) The elimination of wasteful labor turnover in essential activities,

(b) The reduction of unnecessary labor migration,

(c) The direction of the flow of scarce labor where most needed in the war program,

(d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

(a) The "Claremont Area" is comprised of the territory designated in Appendix A.

(b) "Agriculture" means those farm activities carried on by farm owners, or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Claremont Area to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such Area, or

(2) An occupation in which the demand for workers in such Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director.

(g) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (9 F.R. 3439).

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment mean his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Claremont Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Commitee.* The area Management-Labor War Manpower Committee for the Claremont Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Claremont Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity, or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working condi-

tions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. *Issuance of statements of availability by United States Employment Service.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding, the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment. When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(d) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form, the words:

> The employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

SEC. 9. *Referral in case of underutilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 10. *Workers who may be hired only upon referral by the United States Employment Service.* Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such a worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided,* That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided further,* That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 11. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired,

(a) In violation of this program, or

(b) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

SEC. 12. *Exclusions.* No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, county, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period;

(g) The transfer of workers between agencies and departments of the Federal Government.

SEC. 13. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. *Statements of availability.* A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 15. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 16. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit it in accordance with the policies of the War Manpower Commission.

SEC. 17. *Representation.* Nothing contained in the program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. *Effective date.* This program shall become effective as of October 1, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

APPENDIX A

The Claremont Area is comprised of the territories included in the following towns and which are served by the Claremont local office of the United States Employment Service:

Acworth, Canaan, Charlestown, Claremont, Cornish, Croydon, Dorchester, Enfield, Goshen, Grafton, Grantham, Hanover, Langdon, Lebanon, Lempster, Lyme, Newbury, New London, Newport, Orange, Plainfield, Springfield, Sunapee, Sutton, Unity, and Wilmot.

APPENDIX B

ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Claremont Area as additional controlled occupations:

Turret lathe operator.
Milling mach. operator.
Mule spinner.
Rough rounder machine.
Trimmer, machine II.
Sole layer, machine.

[F. R. Doc. 44-15567; Filed, Oct. 7, 1944; 11:57 a. m.]

[Amdt. 1]

CLAREMONT, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for Claremont, New Hampshire, Area, dated October 1, 1943, is hereby amended as follows:

1. Section 2 (f) of said program is hereby amended by inserting after the word "Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" in the last paragraph of said section, so that the same shall read as follows:

(f) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the Claremont Area with the approval of the Regional Director to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in the Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the following words starting in the first line: ", all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Claremont Area,".

3. Section 8 is hereby amended by deleting paragraph (c) in its entirety, and making paragraph (d) of said section, paragraph (c), and adding the following sentence after the word "employment" at the end of the first paragraph of said paragraph: "Nothing in this section shall be construed to supersede the provisions of section 10 (d)."

4. Section 9 is hereby amended by changing the title from "Referral in case of under-utilization" to "Referral by the United States Employment Service" and adding the following as the second paragraph thereof:

The United States Employment Service shall, upon the request of an individual refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

5. Section 10 is hereby amended by deleting the words in paragraph (c) enclosed in parenthesis, so that said paragraph shall read as follows:

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

6. Section 11 is hereby amended by striking out the comma after the word "hired" in the third line and inserting the phrase "in violation of this program" and by striking out paragraphs (a) and (b) of said section so that the same shall read as follows:

SEC. 11. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

7. Section 12 is hereby amended by striking out paragraph (g) in its entirety.

8. Appendix B is hereby amended by inserting after the word "Area" in the third line the phrase "with the approval of the Regional Director."

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15568; Filed, Oct. 7, 1944; 11:58 a. m.]

[Amdt. 2]

CLAREMONT, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for Claremont, New Hampshire, Area, dated October 1, 1943, is hereby amended as follows:

1. Section 10 of said program is hereby amended by adding the following new subparagraph:

(e) All new employees.

2. Section 16 of said program is hereby amended by inserting the following new paragraph as the second paragraph of said section, thereby making the present second paragraph, the third paragraph thereof:

The Area Manpower Director may fix for all or any establishments in the Claremont Area fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such

establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15569; Filed, Oct. 7, 1944; 11:58 a. m.]

[Amdt. 8]

CLAREMONT, N. H., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Claremont, New Hampshire, Area, dated October 1, 1943, is hereby amended as follows:

Section 18 is hereby amended by inserting the paragraph designation (a) at the beginning of the section as previously adopted and by adding the following paragraph:

(b) The Area Manpower Director, after consultation with the Area Management-Labor War Manpower Committee to determine the degree necessary, may adopt certain standards of priority referral of workers to be followed by the United States Employment Service Offices located within the area. Such standards shall be consistent with the policies of the War Manpower Commission and a copy of such standards as are currently in force shall be maintained available for public inspection at each area and local employment office within the area.

Dated: September 21, 1944.

ABBY L. WILDER,
Area Director.

Approved: October 2, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-15570; Filed, Oct. 7, 1944; 11:58 a. m.]

LANCASTER, PA., AREA

EMPLOYMENT STABILIZATION PROGRAM

In furtherance of the war effort and for the purpose of achieving the most effective utilization of the services of labor in essential and locally needed activities, the Area Director of the War Manpower Commission for the Lancaster Area with the concurrence of the Area Management-Labor Manpower Committee and approval by the Regional Director of the War Manpower Commission, pursuant to the authority granted by WMC Regulation 7, hereby establishes the following plan for the area with respect to the stabilization of employment throughout the area.

The following employment stabilization program for Lancaster Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.
1. Control of hiring and solicitation of workers.
2. Establishment, approval and adaptation.
3. Minimum standard.
4. Existing contracts.
5. Advertising.
6. Advance notice of lay-offs.
7. Limited statements of availability.
8. Request to remain or return to a job.
9. Employment ceiling and/or allowance control.
10. Definitions.

SECTION 1. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in the Lancaster Area shall be conducted in accordance with the provisions of this Employment Stabilization Plan.

SEC. 2. *Establishment, approval, and adaptation of this plan*—(a) *General.* This Employment Stabilization Plan is effective in the Lancaster Area as of September 17, 1943.

(b) *Adaptation to meet area or local conditions.* This plan may be adapted as the need arises to meet changing area and local conditions by the Area Manpower Director after consultation with his Area Management-Labor Manpower Committee provided that such adaptations are not in conflict with minimum national standards as set forth in Regulation 7 and with Regional standards set forth in the Regional Plan, and, provided further, that such adaptations are approved by the Regional Director.

(c) *Management-Labor Manpower Committee.* The Area Management-Labor Manpower Committee is hereby authorized to consider questions of policy standards and safeguards in connection with the establishment and administration of this plan and to make recommendations on these subjects to the Area Director.

SEC. 3. *Minimum standards*—(a) *General.* A new employee, who during the preceding 60 day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(1) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(2) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

(b) *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(1) He has been discharged, or his employment has been otherwise terminated by his employer, or

(2) He has been laid off for an indefinite period, or for a period of seven or more days, or

(3) Continuance of his employment would involve undue personal hardship, or

(4) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(5) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

(c) *Issuance of statements of availability by United States Employment Service.* (1) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in paragraph (b) is found to exist in his case. If the employer fails or refuses to issue a statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual.

(2) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who, the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Plan, regulation or policy, and for so long as such employer continues his non-compliance after such finding.

(d) *Referral in case of under-utilization.* If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more full utilized in the war effort.

(e) *Workers who may be hired only upon referral by the United States Employment Service.* A new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or with the consent of, the United States Employment Service when:

(1) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation.

(2) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period.

(3) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work *Provided,* That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and, *Provided,* That such an individual may be hired for non-agricultural work for a period not to exceed six weeks without referral or presentation of a statement of availability.

(4) The new employee is a male worker.

(f) *Exclusions.* No provision of the Employment Stabilization Plan shall be applicable to:

(1) The hiring of a new employee for agricultural employment.

(2) The hiring of a new employee for work or less than seven days duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(3) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii;

(4) The hiring by a foreign, state, county, or municipal government, or their political subdivisions, or their agencies and instrumentalities, or the hiring of any of their employees, unless such foreign, state, county, or municipal government, or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(5) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(6) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period.

(g) *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this Employment Stabilization Plan, in accordance with regulations and procedures of the War Manpower Commission.

(h) *Content of statements of availability.* A statement of availability issued to an individual pursuant to this plan shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

(i) *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this Employment Stabilization Plan, except in a manner consistent with such restrictions.

(j) *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(k) *Representation.* Nothing contained in this plan shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of this plan.

(l) *General referral policies.* No provision in the program shall limit the authority of the United States Employment Service to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 4. *Existing contracts.* Nothing in this plan shall be construed to prejudice existing seniority rights of an employee under any agreement with his employer.

SEC. 5. *Advertising.* Advertising for employees:

(a) Shall not be of a nature which will have a disruptive effect upon the labor market in a particular area, including either the publication of wage rates which induce turnover and piracy or the solicitation of workers by employers outside an area except through arrangements with the United States Employment Service of the War Manpower Commission.

(b) Should state clearly that employees now employed in essential activity cannot be considered without a statement of availability.

(c) Should state clearly that before employers hire employees possessing skills which appear on the List of Critical Occupations, clearance must be obtained from the United States Employment Service.

SEC. 6. *Advance notice of lay-offs.* Employers are required when possible to provide at least three days advance notice to the United States Employment Service whenever a lay-off of ten or more employees will occur and such notice shall contain a statement showing the name, address and occupation of employees to be laid off.

SEC. 7. *Limited statements of availability.* Limited statements of availability specifying a particular date on which employees shall be returned to their previous employer shall be issued by the United States Employment Service of the War Manpower Commission, whenever, in the judgment of the appropriate Area Manpower Director, the best interests of the war effort will be served by such action, provided that such action is agreeable to both the employer and employees involved, and provided further, that such limited statements of availability shall not be issued for a period longer than 3 months.

SEC. 8. *Request to remain, or return to a job.* The United States Employment Service of the War Manpower Commission shall request any employee to return to or remain on his job and shall request any employer to retain such employee in his employ:

(a) Pending any determination on the employee's request for a statement of availability.

(b) Pending decision on the employee's appeal from a determination denying him a statement of availability.

(c) Upon a final determination that the employee is not entitled to a statement of availability.

SEC. 9. *Employment ceiling and/or allowance control.* The Area Manpower Director may fix for all or any establishments in the Lancaster Area, fair and reasonable employment ceilings and/or allowances, limiting the number of employees, or specified types of employees, which such establishments may employ during specified periods. Such ceilings and/or allowances will be determined on the basis of establishments' actual labor requirements, the available labor supply, and/or the relative urgency of establishments' products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee if the hiring of such employee would result in the establishment's exceeding the employment ceiling and/or manpower allowance currently applicable to it.

SEC. 10. *Definitions.* As used in this plan:

(a) "Manpower director" means a director of the War Manpower Commission, or his authorized representative.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees, and poultry and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(d) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(e) "Essential activity" means any activity included in the War Manpower Commission list of Essential Activities. (9 F.R. 3439.)

(f) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(g) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary

employments mean his principal employment.

(h) "Employment Stabilization Plan" includes any arrangement involving restrictions on separation or hiring of workers, whether through issuance of Statements of Availability, referral by the United States Employment Service or otherwise.

(i) "Lancaster Area" includes the counties of Lancaster, Dauphin, Lebanon, York, Perry, Cumberland, Adams and Franklin.

(j) "Employment ceiling" means, in the case of an establishment designated essential or locally needed by the War Manpower Commission, an administrative determination by the Area Manpower Director, after consultation with the Manpower Priorities Committee, fixing the highest level of total employment which such establishment is not permitted to exceed, based upon an approved and necessary production or service schedule; means, in the case of other (less essential) establishments, an administrative determination by the Area Manpower Director fixing the highest level of total employment which such establishments are not permitted to exceed, based upon labor supply factors in the community.

(k) "Manpower allowance" means an administrative determination by the Area Manpower Director, of the number of employees, or specified types of employees, within its ceiling, which an establishment is not permitted to exceed during a specified period, and is used as the means for allocation and referral of labor during the period.

Dated: June 26, 1944.

WILBUR P. GALLATIN,
Area Director.

Approved: October 3, 1944.

FRANK L. MCNAMEE,
Regional Director.

[F. R. Doc. 44–15566; Filed, Oct. 7, 1944; 11:57 a. m.]

WAR PRODUCTION BOARD.

[Certificate 45,[1] Revocation]

PETROLEUM SUPPLY

The ATTORNEY GENERAL:

Pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I hereby withdrew the certificate and finding dated March 30, 1943, concerning Petroleum Directive No. 64 of the Office of Petroleum Administrator for War.

J. A. KRUG,
Acting Chairman.

OCTOBER 2, 1944.

[F. R. Doc. 44–15530; Filed, Oct. 7, 1944; 9:50 a. m.]

[1] 8 F.R. 4274.

[Certificate 158, Amdt. 3]

PRINCIPAL PETROLEUM PRODUCTS IN DISTRICT ONE

APPROVAL OF PAW DIRECTIVE

The ATTORNEY GENERAL:

Referring to Certificate No. 158[1] issued pursuant to section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), on November 11, 1943, and to Amendment No. 1 thereto issued January 29, 1944, and to Amendment No. 2 thereto issued May 1, 1944, I submit herewith Amendment No. 3 to Petroleum Directive 59 as amended December 1, 1943, of the Petroleum Administration for War.

For the purposes of the statute cited, I approve the amendment; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Petroleum Directive 59 as amended is requisite to the prosecution of the war.

J. A. KRUG,
Chairman.

OCTOBER 2, 1944.

[F. R. Doc. 44–15604; Filed, Oct. 9, 1944; 11:15 a. m.]

WAR SHIPPING ADMINISTRATION.

"HIGH TIDE"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943, (Public Law 17, 78th Congress).

Whereas on September 10, 1942 title to the vessel "High Tide" 240422 (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the Act approved March 24, 1943, (Public Law 17, 78th Congress), provides in part as follows:

"(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941, (Public Law 101, Seventy-Seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking: *Provided, however,* That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *";

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: October 6, 1944.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 44–15553; Filed, Oct. 7, 1944; 11:53 a. m.]

[1] 8 F.R. 15805.

"REICHERT BROS."

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943 (Pub. Law 17, 78th Cong.).

Whereas on June 2, 1942, title to the vessel "Reichert Bros." (219026) (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943, (Pub. Law 17, 78th Cong.), provides in part as follows:

(b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the Act of June 6, 1941 (Public Law 101, Seventy-seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided however,* That no such determination shall be made with respect to any vessel after the date of delivery

of such vessel pursuant to title requisition except with the consent of the owner.

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spart parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

Dated: October 9, 1944.

[SEAL] E. S. LAND,
Administrator.

[F. R. Doc. 44-15606; Filed, Oct. 9, 1944; 11:14 a. m.]